



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Mark Maiahazy-West  
DOCKET NO.: 19-01974.001-R-1  
PARCEL NO.: 05-13-280-002

The parties of record before the Property Tax Appeal Board are Mark Maiahazy-West, the appellant, by attorney Omar Banna, of Mayster & Chaimson, Ltd. in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$ 20,000  
**IMPR.:** \$111,665  
**TOTAL:** \$131,665

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2019 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property consists of a two-story dwelling of brick exterior construction with 4,159 square feet of living area. The dwelling was constructed in 2007. Features of the home include a full basement, central air conditioning, a fireplace and a three-car garage. The property has a 9,148 square foot site and is located in Elgin, Plato Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 29, 2019 for a price of \$395,000. The appellant further reported the parties to the transaction were not related, the property was sold with the assistance of a realtor and the property was advertised with the Multiple Listing Service (MLS) and Redfin. In further support of the transaction, the appellant provided copies of the Real Estate Contract, Warranty Deed, closing cost data and the Settlement Statement which reiterates the purchase price and closing date. The Settlement Statement also

depicts distribution of commissions to two entities. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$156,279. The subject's assessment reflects a market value of \$469,306 or \$112.84 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Kane County of 33.30% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a letter and data gathered by Janet Roush, Plato Township Assessor. In sum, the assessor acknowledges that the subject property was purchased in April 2019 for \$395,000, four months after the assessment date at issue of January 1, 2019. The assessor, however, asserts that because assessing officials employ a mass appraisal system utilizing the prior three years' sales to establish assessments, it would be inappropriate to assess the subject property based on its recent sale price. Roush concluded her letter stating that the subject's sale would be taken into consideration next year along with other sales that are occurring in 2019.

In support of its contention of the correct assessment, the board of review through the township assessor also submitted information on five comparable sales located from .05 of a mile to 2.6-miles from the subject property. The comparable parcels range in size from .31 to 1.48-acres of land area and are improved with two-story dwellings that were built between 2007 and 2017. The homes range in size from 3,912 to 4,187 square feet of living area. Each dwelling has a basement, two of which are lookout styles, two of which are walkout styles and one of which is described as having 1,864 square feet of finished area. Each home has central air conditioning, four comparables each have a fireplace and each comparable has a garage ranging in size from 570 to 770 square feet of building area. Comparable #1 has an inground swimming pool that was reportedly installed after the most recent reported purchase in 2017. The comparables sold from April 2016 to July 2017 for prices ranging from \$426,629 to \$530,000 or from \$109.06 to \$134.45 per square foot of living area, including land. Based on this evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS

200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist. 1983).

The Board finds the best evidence of market value to be the purchase of the subject property in April 2019, four months after the January 1, 2019 assessment date at issue, for a price of \$395,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and on the Internet with Redfin. In further support of the transaction the appellant submitted a copy of the sales contract and settlement statement. The Board finds the purchase price of \$395,0000 is below the market value reflected by the assessment of \$469,306. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. To the extent that the board of review through the township assessor submitted comparable sales, the Board finds that comparables #2 and #3 which sold in 2016 reflect more dated market value evidence than the subject's 2019 sale price. In addition, the Board gives little consideration to comparables #1, #4 and #5 which were constructed in 2015 and 2017 and depict sales prices in 2017, two of which were sales as new construction and one of which is a newer home with a lookout basement feature, all of which differ from the subject dwelling that was built in 2007 with a standard unfinished basement.

In conclusion and based on this record, the Property Tax Appeal Board finds the subject property had a market value of \$395,000 as of January 1, 2019. Based on this evidence, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: August 24, 2021



Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

AGENCY

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Mark Maiahazy-West, by attorney:  
Omar Banna  
Mayster & Chaimson, Ltd  
10 South LaSalle Street  
#1150  
Chicago, IL 60603

COUNTY

Kane County Board of Review  
Kane County Government Center  
719 Batavia Ave., Bldg. C, 3rd Fl.  
Geneva, IL 60134