



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

APPELLANT: Ilma Stajer
DOCKET NO.: 19-02330.001-R-1
PARCEL NO.: 08-17-351-009

The parties of record before the Property Tax Appeal Board are Ilma Stajer, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry; 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: \$26,950
IMPR.: \$74,615
TOTAL: \$101,565

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 construction with 2,464 square feet of living area. The dwelling was constructed in 1978. Features of the home include a full finished basement, central air conditioning, a fireplace and a 2-car garage. The property has a 218,780 square foot site and is located in St. Charles, Campton 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 March 23, 2018 for a price of \$305,000.

Based on this evidence the appellant requested that the subject's assessment be reduced to \$101,656.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$119,508. The subject's assessment reflects a market value of \$358,883 or \$145.65 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 support of its contention of the correct assessment the board of review submitted information on three comparable properties that are located from 2.89 to 3.45 miles from the subject. The comparables sold from June 2018 to July 2019 for prices ranging from \$350,000 to \$435,000 or from \$145.17 to \$165.53 per square foot of living area, including land.

As to the subject's recent sale, the board of review asserts that the sale was not an arm's-length sale due to the PTAX-203 Illinois Real Estate Transfer Declaration marked as if the sale was between related individuals or corporate affiliates. Furthermore, the appellant's closing statement indicates an appraisal fee was paid but the appellant did not include an appraisal within their appeal.

Based on this evidence the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted rebuttal asserting that the subject's sale was an arm's-length sale transaction even though the PTAX-203 Illinois Real Estate Transfer Declaration was marked as if the sale was between related individuals or corporate affiliates. The attorney explained that the subject was originally listed on the real estate market for \$379,900 in May 2017 and the price was lowered incrementally until the appellant purchased the property in March 23, 2018 for a price of \$305,000. As to the PTAX-203 Illinois Real Estate Transfer Declaration being marked as if the sale was between related individuals or corporate affiliates, the attorney explained that the form is no longer seen at closing by the buyers or their representatives because they are electronically submitted prior to closing by the seller's attorney's office. The attorney included an affidavit from the appellant affirming that the parties to the sale are not related and the document was not seen nor signed at the closing. As to the board of review's comparable sales, the attorney asserted that the sales are located in excess of 2 miles from the subject, are located in different school districts and have superior qualities based on their Multiple Listing Service (MLS) listings.

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.

The Board finds the best evidence of market value to be the purchase of the subject property on March 23, 2018 for a price of \$305,000, even though the PTAX-203 Illinois Real Estate Transfer Declaration was marked as if the sale was between related individuals or corporate affiliates. The appellant's attorney explained that the form was electronically submitted prior to closing by

the seller's attorney's office and the document was not seen nor signed by the appellant at the closing, as affirmed by the appellant. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by IH2 Property TRS 2, L. P., A Delaware Limited Partnership and the property had been advertised on the open market by a realtor with the MLS. To further document the sale the appellant submitted the subject's MLS listing revealing an original listing price of \$299,000, a sale price of \$305,000 after being marketed for 13 days and the subject was "in move-in condition, but the owners are conducting an as-is sale." The appellant also submitted the real estate contract and the settlement statement, which disclosed the seller was responsible for broker commissions to Century 21 Affiliated and Baird & Warner. Included in the appellant's submission was a copy of the real estate contract, a listing and property history report, exterior and interior photographs of the subject, and the aforementioned PTAX-203 Illinois Real Estate Transfer Declaration and affidavit. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence, other than the erroneously marked PTAX-203 Illinois Real Estate Transfer Declaration, to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The Board gives less weight to the comparable sales submitted by the board of review as this evidence does not overcome the weight given to the subject's arm's-length sale transaction. Furthermore, the comparable sales submitted by the board of review are located in excess of 2 miles from the subject, are located in different school districts and have superior qualities based on their MLS listings.

The Illinois Supreme Court has defined fair cash value as 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 of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment is justified.

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: September 21, 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

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