



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

APPELLANT: Mirza Investments
DOCKET NO.: 19-02463.001-R-1 through 19-02463.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Mirza Investments, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
19-02463.001-R-1	06-01-481-023	7,881	10,878	\$18,759
19-02463.002-R-1	06-01-481-022	7,881	0	\$7,881

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 part 1-story and part 2-story dwelling of frame exterior construction with 1,800 square feet of living area. The dwelling was constructed in 1975. Features of the home include a concrete slab foundation, central air conditioning, a built-in 600 square foot garage and a detached 336 square foot garage.¹ The property has two lots with a combined 9,075 square feet of land area and is located in Elgin, Elgin 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 February 21, 2018 for a price of \$80,000. The appellant completed Section IV – Recent Sale Data disclosing the

¹ The subject's foundation design was obtained from the property record card and sketch of the subject improvements which show no basement and "S" indicating slab on the sketch. This information differs from the Multiple Listing Service sheet for the subject which reports an unfinished basement.

transaction was not between family members or related corporations, that the subject was sold with help from a Realtor and was advertised in the Multiple Listing Service (MLS). The appellant submitted the subject's MLS sheet which disclosed the subject property was in "need of foundation work, paint & carpet" at the time of sale and was advertised to "CASH BUYERS ONLY." According to the MLS sheet, the property was marketed for a period of 51 days, a contract date of November 14, 2017 and a closing date of February 21, 2018. The settlement statement submitted by the appellant reported a sale price of \$80,000, a new loan amount totaling \$130,000, a loan fee to the lender of \$15,600, an escrow "holdback" to the lender of \$30,000 and a \$2,000 commission paid to a real estate agent. The settlement statement also reported an inspection fee paid outside of the closing by the borrower. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the purchase price.

The board of review submitted two "Board of Review Notes on Appeal" disclosing the combined total assessment for the subject of \$39,926 which disagreed with its two Notice of Findings, submitted by the appellant, indicating the subject had a total assessment of \$39,996 which reflects a market value of \$120,108 or \$66.73 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 eleven comparables located within 0.69 of a mile from the subject property. Ten of the comparables have sites that range in size from 6,600 to 11,291 square feet of land area and are improved with 2-story, part 1-story/part 2-story or part 1-story/part 1.5-story dwellings that range in size from 1,484 to 2,233 square feet of living area. The homes were built from 1940 to 2009. Ten comparables have a basement with five having finished area. Ten comparables have central air conditioning, six comparables each have either one or two fireplaces and ten comparables have a garage ranging in size from 240 to 576 square feet of building area. The properties sold from October 2016 to December 2018 for prices ranging from \$165,000 to \$291,900 or from \$87.19 to \$147.18 per square foot of living area, land included.

The board of review, through Elgin Township, submitted comments referencing the following Appellate Court ruling:

"However, the sale price of property does not necessarily establish its value without further information on the relationship of the buyer and sell and other **circumstances**. *Ellsworth Grain Co. v. Illinois Property Tax Appeal Board*, 172 Ill.App.3d 552, 526 N.E.2d 885 (4th Dist. 1988)"

The township contended the subject's sale price may not be a true reflection of market value or that the sale may not meet the criteria of an arm's length transaction because the MLS sheet advertised it for "cash only buyers." It argued that this condition of sale artificially limited the pool of buyers for the subject property, therefore, calling into question the arm's length nature of the transaction. Elgin Township further noted that no permits had been issued for needed repairs or improvements nor had the owner requested consideration for an inferior condition associated with the subject property. Lastly, the township reported the subject previously sold in April 2015 for \$170,000. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's attorney argued that the board of review did not dispute the recent sale of the subject property and that no evidence was provided that indicated the sale was invalid. Counsel contended that the board of review's comparable sales evidence was neither responsive nor relevant to the basis of the appellant's appeal and should therefore be given no weight and argued that the recent sale price of the subject property is the best evidence of fair market value.

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). [emphasis added] The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter, the Board finds that the basis of the appellant's appeal is overvaluation or a market value argument with a recent sale of the subject property submitted as evidence to support the overvaluation claim. The Board further finds that comparable market value sales evidence is responsive and relevant to the overvaluation argument as potentially "opposing or contradictory" market value data and, therefore, the board of review's comparable sales shall be considered.

The Board finds the best evidence of market value to be the purchase of the subject property in February 2018 for a price of \$80,000. 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 and had been advertised in the Multiple Listing Service. The appellant submitted a copy of the MLS sheet indicating the subject had been actively marketed for a period of 51 days. In further support of the transaction the appellant submitted a copy of the settlement statement which disclosed that commissions were paid to real estate professionals. The Board finds the board of review asserted that the subject's sale may not have been reflective of market value, however it did not present any evidence in support of this claim and that its comparable sales evidence does not overcome the recent sale evidence of the subject property. The Board finds the purchase price is below the market value reflected by the assessment.

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 two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).** Based on this record the Board finds the subject property had a market value of \$80,000 as of January 1, 2019. Since market value has been determined the 2019 three year average median level of assessment for Kane County of 33.30% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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: January 18, 2022



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

Mirza Investments, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

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