



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

APPELLANT: Anila Rehman & Chaudhary Rehman
DOCKET NO.: 20-05573.001-R-1
PARCEL NO.: 03-28-476-009

The parties of record before the Property Tax Appeal Board are Anila Rehman & Chaudhary Rehman, the appellants, 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:

LAND: \$28,526
IMPR.: \$99,090
TOTAL: \$127,616

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2020 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 two-story and part one-story dwelling of frame and brick exterior construction with 4,386 square feet of living area.¹ The dwelling was constructed in 1992. Features of the home include a basement, central air conditioning, four fireplaces and an 884 square foot detached garage. The property has an approximately 32,234 square foot site and is located in Sleepy Hollow, Dundee Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on July 24, 2020 for a price of \$383,000 or \$87.32 per square foot of living area, including land. The appellant's counsel reported that the subject property was purchased from the owner of record, the parties to the transaction were not related and the property was advertised using a realtor. The appellants

¹ The Board finds the best description of the subject property was provided by the board of review.

submitted a copy of the Multiple Listing Service (MLS) listing sheet depicting the property had been on the market for 17 days. The MLS indicated that prior to the final purchase price of \$383,000, the subject property was originally listed on June 2, 2020 for an asking price of \$399,900. The listing sheet also stated "Seller's loss is your gain, construction started waiting your finishing touches. The property is sold As Is condition. All construction material remains along with windows and doors for the home in the garage." A copy of the Settlement Statement reflects the purchase price, the date of sale and identified the sellers as Chicago Title Land Trust Number 8002381147. The Settlement Statement also disclosed that commissions were paid to two realty agencies. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$159,067. The subject's assessment reflects a market value of \$477,392 or \$108.84 per square foot of living area, land included, when using the 2020 three-year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue.

On the Notes, the board of review argued that the home should not be lowered to sale price and should not be lowered below the board of review reduction. Interior of this home was "under construction" at time of sale and was not completed as per the enclosed listing sheet and purported photographs of the subject dwelling. The photographs depict unfinished walls and ceiling of the kitchen, as well as no flooring and/or unfinished walls in three additional rooms. The board of review asserted that according to the assessor the subject sold in 2019 for a price of \$477,250, which shows it was probably not livable when it sold in 2020 for \$383,000.

The board of review submitted a letter prepared by the Dundee Township Assessor's Office. The assessor contends the subject property sold twice in one year's time. The first sale occurred in July 2019 for a price of \$477,250 and the second sale occurred in July 2020 for a price of \$383,000. The assessor stated the current homeowners have taken out permits to remodel the interior. The assessor agrees that the subject property's assessment should be reduced to \$127,654 to reflect the 2020 sale price of \$383,000.

In further support of its contention of the correct assessment, the board of review, through the township assessor's office, submitted information on three comparable sales located in the same subdivision and the subject and within .29 of a mile from the subject property. The comparables have sites that range in size from approximately 31,363 to 50,529 square feet of land area. The comparables are improved with part two-story and part one-story dwellings of brick and frame exterior construction ranging in size from 3,253 to 4,510 square feet of living area. The dwellings were built from 2000 to 2003. The comparables each have a basement, where one is a look-out style, one is a walk-out style and two have finished area. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 600 to 1,101 square feet of building area. Comparable #1 has an inground swimming pool. The comparables sold from August 2017 to May 2019 for prices ranging from \$459,000 to \$531,000 or from \$117.74 to \$143.99 per square foot of living area, land included.

In written rebuttal, the appellants' counsel asserted that since the board of review did not dispute the recent sale of the subject property or contest its validity, the board of review's evidence is

neither responsive nor relevant to the basis of the appeal. Counsel requested a reduction in the subject's assessment to reflect the purchase price.

Conclusion of Law

The appellants contend 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 appellants 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 in July 2020 for a price of \$383,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant partially 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. In further support of the transaction, the appellant submitted a copy of the MLS sheet indicating that the subject had been on the market for 17 days. Additionally, a copy of the Settlement Statement submitted by the appellant depicts commissions were paid to two realty agencies. The Board finds the purchase price of \$383,000 is below the subject's estimated market value of \$477,392 as reflected by the assessment. On this record, the Board finds the board of review did not adequately 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. Instead, the board of review contended that the subject was probably not livable when it sold in 2020 based on the interior photographs it presented but argued the subject's market value should not be reduced below the 2019 sale price of \$477,250, a value below the comparable sales presented in support of the assessment. The Property Tax Appeal Board has given less weight to the board of review comparable sales since none of these comparables were reported to be in the same condition as the subject. Furthermore, two of the comparables sold 18 months or 28 months prior to the assessment date at issue and are thus less likely to be indicative of the subject's market value as of January 1, 2020. Moreover, these comparable sales do not overcome the subject's arm's length sale transaction. Based on this record the Board finds the subject property had a market value of \$383,000 as of January 1, 2020. Since market value has been determined the 2020 three-year average median level of assessment for Kane County of 33.32% 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:

April 18, 2023



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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