



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

APPELLANT: Muy Leng and Eric Brown
DOCKET NO.: 21-05605.001-R-1
PARCEL NO.: 09-13-100-033

The parties of record before the Property Tax Appeal Board are Muy Leng and Eric Brown, 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: \$113,233
IMPR.: \$75,082
TOTAL: \$188,315

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 2021 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 1.5-story dwelling of frame and brick exterior construction with 4,610 square feet of living area.¹ The dwelling was constructed in 1940. Features of the home include a basement with finished area, central air conditioning, four fireplaces, an attached 494 square foot garage, and a detached 240 square foot garage. The property has a 217,800 square foot site and is located in Wayne, St. Charles 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 in November 2020 for a price of \$565,000. The appellants reported that the seller was Bradley Anthony, the parties to the transaction were not related, and the property was sold through a realtor. The appellants also

¹ The parties differ as to the subject's dwelling size. The Board finds the property record card submitted by the board of review, which contains a detailed property sketch, to be the best evidence of dwelling size in the record.

indicated the property was advertised for sale through the Multiple Listing Service for a period of 31 days. In further support of the appeal, the appellants submitted a copy of the Multiple Listing Service sheet, the PTAX-203 Real Estate Transfer Declaration, and settlement statement which list the sale price of \$565,000, a settlement date of November 19, 2020, and depict commissions being distributed to @properties. 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 \$196,903. The subject's assessment reflects a market value of \$590,768 or \$128.15 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Kane County of 33.33% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a memorandum prepared by the St. Charles Township Assessor and information on six comparable sales. The memorandum argues that the subject's purchase price alone should not determine its value. The Assessor argued that the subject had been updated since its sale in 2015 and that the price reduction in 2020 after 17 days on the market indicates the sellers were "highly motivated," possibly due to the limited number of buyers during the pandemic.

The comparables consist of 1-story or 2-story dwellings of frame exterior construction ranging in size from 3,364 to 4,614 square feet of living area. The dwellings were built from 1941 to 1986. Each dwelling has central air conditioning, two to five fireplaces, a basement with two having finished area, and a garage ranging in size from 440 to 952 square feet of building area. The parcels range in size from 176,418 to 239,580 square feet of land area. The comparables sold from November 2019 to October 2020 for prices ranging from \$450,000 to \$690,000 or from \$116.38 to \$205.11 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants argued that the board of review's evidence should be given no weight as it did not dispute the arm's length nature of the subject's sale.

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 November 2020 for a price of \$565,000, less than 60 days prior to the January 1, 2021 assessment date. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants 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 it had been on the market for 31 days. In further support of the transaction the appellants submitted a copy of the settlement statement and the PTAX-203 Illinois Real Estate Transfer Declaration. 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 credible 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. Nor did the board of review present any supporting evidence for the assertion that the seller was "highly motivated" to sell. The comparables submitted by the board of review do not overcome the subject's arm's length sale price.

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 is overvalued and a reduction in its assessment commensurate with the appellants' request 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: July 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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