



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

APPELLANT: Hasan Kamal  
DOCKET NO.: 08-01371.001-R-1  
PARCEL NO.: 19-09-30-304-001-0000

The parties of record before the Property Tax Appeal Board are Hasan Kamal, the appellant, and the Will County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Will County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$32,178  
**IMPR:** \$108,095  
**TOTAL:** \$140,273

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story single-family brick dwelling that was constructed in 2003. The home contains 2,761 square feet of living area and features a full basement which is partially finished, central air conditioning, a fireplace, and an attached three-car garage of 611 square feet of building area. The property is located in Frankfort, Frankfort Township, Will County.

The appellant submitted a residential appeal contending overvaluation based on a recent sale of the subject property. In support of this argument, the appellant indicated on the appeal petition that the subject property was purchased in July 2007 for a price of \$422,000. The appellant indicated the subject property was sold by Steven and Kris Angerthal, the property was advertised on the open market through the Multiple Listing Service (MLS) and local newspaper for 10 months and the sale involved Realtor Skipper Denton of Remax 2000. Furthermore, the parties to the transaction were not related. The appellant also submitted a copy of Settlement Statement dated July 20, 2007 disclosing a sales price of \$422,000.

Based on this evidence the appellant requested the subject's assessment be reduced to \$126,181 or a market value of approximately \$378,543.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of \$144,000 was disclosed. The subject's assessment reflects a market value of approximately \$433,213 or \$156.90 per square foot of living area including land when applying the 2008 three year median level of assessments for Will County of 33.24%.

The board of review submitted a memorandum acknowledging that the appellant purchased the subject property in July 2007 for \$422,000. In support of the subject's assessment, the board of review submitted a spreadsheet of fourteen comparable properties. Close examination reveals that the subject is listed on the spreadsheet resulting in 13 comparables being presented. The spreadsheet sets forth the parcel number, the dwelling size, age, and assessment and/or sales data. The board of review reported there were three sales in the neighborhood, "one which also has a finished basement" and provides a range of sales of \$131.67 to \$162.74 per square foot of living area including land. From the spreadsheet, there were four sales of dwellings, built between 2001 and 2004 and ranging in size from 2,931 to 3,122 square feet of building area, that occurred between January 2004 and January 2005 for prices ranging from \$346,280 to \$477,000 or from \$110.92 to \$162.74 per square foot of living area including land.

Based on the foregoing data, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). The Board finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the subject's assessment should be reduced based on the sale of the subject as set forth in the record. The evidence disclosed that the subject sold in July 2007 for a price of \$422,000. The information provided by the appellant indicated the sale had the elements of an arm's length transaction and the sale occurred only several months prior to the assessment date at issue of January 1, 2008. There was no challenge to the contention that the property was listed on the market for 10 months through a Realtor. The parties to the transaction were

unrelated. While the board of review provided market value evidence of at least three sales that occurred between January 2004 and January 2005 for prices ranging from \$346,280 to \$477,000 or from \$110.92 to \$162.74 per square foot of living area including land, the Board finds this evidence is more distant in time and therefore is less probative of the subject's market value as of January 1, 2008. Moreover, this dated sales information with limited descriptive comparative information does not overcome the appellant's evidence regarding the July 2008 purchase price of the subject property.

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 Illinois Supreme Court 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 so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). 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 Sec. 1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

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). Our Supreme Court has at least indicated that a sale of property during the tax year in question is a "relevant factor" in considering the validity of an assessment. [citations omitted]. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist. 1983).

The Property Tax Appeal Board finds the best evidence of the subject's fair market value in the record is the July 2007 sale for \$422,000. The Property Tax Appeal Board finds the sale was not a transfer between family or related parties; the property was advertised for sale for 10 months in the Multiple Listing Service and in the newspaper with the sale involving a Realtor. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value. Based on the foregoing facts, the Property Tax Appeal Board finds the subject's July 2007 sale price of \$422,000 was reflective of market value.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$422,000 on January 1, 2008. The subject's assessment reflects an estimated market value of approximately \$433,213, which is higher than its July 2007 sale price. Therefore a reduction is warranted. Since the fair market value of the subject has been established, the Board finds that the 2008 three-year median level of assessments for Will County of 33.24% shall apply.

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.

*Ronald R. Cuit*

Chairman

*Frank J. Huff*

Member

Member

*Shawn R. Lerbis*

Member

Member

*Mario M. Louie*

DISSENTING:

C E R T I F I C A T I O N

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 23, 2011

*Allen Castrovillari*

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 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 the subsequent year 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.

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.