



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

APPELLANT: Rachel & Aaron Christensen
DOCKET NO.: 12-00909.001-R-1
PARCEL NO.: 12-05-152-002

The parties of record before the Property Tax Appeal Board are Rachel and Aaron Christensen, the appellants, 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, 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: \$31,061
IMPR.: \$68,939
TOTAL: \$100,000

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) contesting the assessment for the 2012 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 is improved with a two-story dwelling of frame construction with 3,064 square feet of living area. The dwelling was constructed in 2000. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a two-car attached garage. The property has a

16,244 square foot site and is located in Geneva, Geneva 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 October 31, 2011 for a price of \$255,000. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties were not related (the appellants identified the seller as Saleem Mohammeda), the property was sold using a Realtor, the property was listed in the Multiple Listing Service (MLS) and had been on the market 45 days. The appellants submitted a copy of the MLS listing of the subject property which indicated that there was no sign in the yard and further indicated the property was investor owned and seller never occupied the dwelling. The appellants also submitted a copy of the Listing & Property History Report for the subject property, a copy of the settlement statement, a copy of the real estate contract, and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which indicated the property was not advertised for sale. Based on this evidence, the appellants requested the subject's assessment be reduced 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 \$123,384. The subject's assessment reflects a market value of \$369,967 or \$120.75 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue.

In response to the appeal the board of review submitted a narrative statement from the Geneva Township Assessor. The assessor asserted the subject property was listed in October 2009 for a price of \$449,000 and the listing was cancelled in May 2010. The assessor stated that a notice of foreclosure was filed on the subject property and provided a copy of a Lis Pendens and Notice of Foreclosure that was filed in September 2010. The assessor stated the property was relisted in July 2011 for a price of \$319,900 and the price was reduced five times eventually to \$259,900. The property was purchased by the seller, Saleem Mohammed, at a Sheriff's Sale on August 8, 2011 and a Sheriff's Deed in Judicial Sale was recorded on September 29, 2011. The assessor acknowledged the property was ultimately sold in October 2011 for a price of \$255,000.

The assessor contends that the property was listed only until the time of the Sheriff's Sale. She also noted the MLS listing provided by the appellants' attorney states: "No sign, Investor Owned/Seller never occupied; no knowledge prior to 2 acquisition, Not a SS or foreclosure." The assessor contends the property was purchased by Saleem Mohammed and sold to Rachel Greenberg (later Christensen) without advertising the property. She also noted the PTAX-203 stated the property was not advertised for sale. The assessor contends that the previously distressed nature of the property and the special circumstances of the appellants' purchase indicate that the subject's sale price is not a good indicator of value, and the sale deserves little if any weight.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales and three equity comparables provided by the assessor. The three sales were improved with two-story dwellings that were located in the subject's subdivision within .13 miles of the subject property. The dwellings ranged in size from 2,930 to 3,479 square feet of living area and were of brick and aluminum or brick and vinyl exterior construction. The dwellings were built in 1999 and 2002. Each comparable had a full unfinished basement, central air conditioning, one fireplace and a two-car or three-car garage. The sales occurred from April 2010 to June 2011 for prices ranging from \$382,500 to \$400,000 or from \$114.11 to \$130.55 per square foot of living area, including land.

The equity comparables identified by the assessor were similar to the subject in location, age, size and features with the exception each had a three-car garage. These properties had improvement assessments ranging from \$31.22 to 31.33 per square foot of living area. The subject had an improvement assessment of \$30.13 per square foot of living area.

In rebuttal the appellants' attorney contends the property was listed for \$319,900 on July 30, 2011 and was continuously listed with price reductions until the day after the closing on November 1, 2011. She acknowledged that the PTAX-203 form indicates the property was not advertised for sale but contends they submitted a copy of the MLS sheet clearly showing the property was advertised for sale in the MLS even though no sign was in the yard. The appellants contend the best evidence of value is the October 2011 sale for a price of \$255,000. The appellants' attorney also argued the equity comparables

submitted by the board of review do not address the appellants' overvaluation claim.

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 evidence in the record supports a reduction in the subject's assessment.

The appellants contend the subject's assessment is excessive based on the October 31, 2011 purchase price of \$255,000. The Board finds, however, there are circumstances that call into question whether the purchase price was indicative of fair cash value. A copy of the Sheriff's Deed submitted by the board of review disclosed the seller, Saleem Mohammed, purchased the subject property at a Sheriff's Sale on August 8, 2011, which was after the purported listing date of July 30, 2011. Furthermore, the record disclosed the Sheriff's Deed in Judicial Sale was recorded on September 29, 2011. The real estate sales contract was signed by the appellant, Rachel Greenberg (later Christensen) (buyer) on September 11, 2011 and by Saleem Mohammed (seller) on September 12, 2011. Both signatures predate the date on which the Sheriff's Deed was recorded. Furthermore, although the appellant submitted copies of the MLS listing, the PTAX-203 form signed on behalf of Saleem Mohammed and by Rachel Greenberg indicates the property was not advertised for sale. The Board finds these circumstances call into question the arm's length nature of the sale.

Nevertheless, the Board finds the listing provided by the appellants indicated the original list price on July 30, 2011 was \$319,900, which is less than the market value reflected by the subject's assessment. The record further established that the parties were not related and the real estate sales contract was entered on September 12, 2011, 43 days after the listing. The agreed upon price was \$255,000, which is less than the market value reflected by the assessment. The board of review submitted information on three comparable sales. The Board finds sales #2 and #3 are to be given less weight due to the sales occurring in April 2010 and August 2010, not proximate in time to the assessment date. Comparable #1 was larger than the

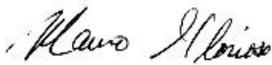
subject and sold for \$114.11 per square foot of living area, including land, which is less than the market value reflected by the subject's assessment on a square foot basis. Based on this record, giving some weight to the subject's sale and board of review sale #1, the Board finds a reduction in the subject's assessment is appropriate.

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.

Chairman



Member



Member

Member



Member

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: May 22, 2015



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.