



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

APPELLANT: Shibu Vazha
DOCKET NO.: 12-01115.001-R-1
PARCEL NO.: 06-29-477-037

The parties of record before the Property Tax Appeal Board are Shibu Vazha, the appellant, 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: \$11,200
IMPR.: \$30,358
TOTAL: \$41,558

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story townhome. The property is located in Elgin, Elgin Township, Kane County.

The subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 11-01913.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$46,522 based on the evidence submitted by the parties. The appellant also submitted information to demonstrate the subject was being overvalued for 2012 in light of a recent appraisal with a value conclusion of \$140,000 as of January 1, 2011 and five comparable sales.

The Property Tax Appeal Board takes judicial notice that 2011 and 2012 are within the same general assessment period for residential property in Kane County. (86 Ill.Admin.Code §1910.90(i) & 35 ILCS 200/9-215).

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect a market value of approximately \$66,709 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject property totaling \$48,983 was disclosed. Also as part of the document, the board of review proposed an assessment increase to \$51,662. The appellant was informed of this proposed assessment increase and rejected the proposal.

The subject's 2012 assessment reflects a market value of \$146,876, 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. The board of review also reported that no equalization factor was applied in 2012; however, the Property Tax Appeal Board takes judicial notice that as reported on the Kane County Chief County Assessment Officer's website in 2012, the CCAO applied an equalization factor of 0.8933 in Elgin Township. (86 Ill.Admin.Code §1910.90(i)).

In support of the subject's assessment, the board of review submitted descriptions and comparable sales information on six properties to demonstrate that the subject's assessment reflected the property's market value.

As part of its submission, the board of review included a printout indicating the mortgage history for the subject property included a \$148,000 mortgage purportedly taken out on January 10, 2011 through Citimortgage.

Based on the foregoing evidence, the board of review requested that the Property Tax Appeal Board "raise the assessment based on evidence of a loan taken out by the appellant for \$148,000 on 1/10/2011. We would request a copy of the appraisal done for Citimortgage."¹

¹ The board of review is advised that making a "request" on "Board of Review - Notes on Appeal" for a particular document is not proper procedure to obtain the document under the Board's procedural rules.

In rebuttal, the appellant's legal counsel noted that board of review comparable sales #1, #2 and #3 occurred in 2010, a date less proximate to the valuation date at issue of January 1, 2012 and should thus be given less weight. Counsel further contended that these comparables were superior to the subject in location (wetland views), upgrades and/or age.

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 this appeal. Pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the Board finds the prior year's decision should be carried forward to the subsequent year subject only to equalization.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The record disclosed the Property Tax Appeal Board issued a decision reducing the subject's 2011 assessment. The record further indicates that the subject property is an owner occupied dwelling and the Board finds that 2011 and 2012 are within the same general assessment period. Furthermore, the record contains no evidence indicating the subject property subsequently sold in an arm's length transaction. Finally, there is nothing in the record to indicate that the assessment year in question is in a different general assessment period. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision plus the application of the equalization factor of 0.8933.

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. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

Member

J. R.

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: September 19, 2014

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.