



AMENDED
FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Yaseif Berki
DOCKET NO.: 12-03059.001-R-1 through 12-03059.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Yaseif Berki, the appellant, by attorney Dennis D. Koonce, in Frankfort; and the DuPage 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 DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
12-03059.001-R-1	09-22-202-032	21,660	0	\$21,660
12-03059.002-R-1	09-22-202-031	8,330	0	\$8,330

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from decisions of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessments 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 matter of this appeal consists of two vacant residential parcels that contain .33 of an acre and .64 of an acre of land area, respectively. The subject parcels are located in Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a settlement statement that indicates the subject parcels sold in June 2012 for \$90,000. The appellant also submitted Multiple Listing Service sheets showing the subject parcels sold for \$65,000 and

\$25,000, respectively. The appellant's appeal petition indicates the parties to the transaction were unrelated and the properties were advertised for sale in the open market for 507 days through the Multiple Listing Service.

The appellant also submitted the final decisions issued by the DuPage County Board of Review disclosing the subject parcels' final assessments of \$46,170 and \$45,160, respectively. The subject parcels' assessments reflect estimated market values of \$138,565 and \$137,935, respectively, when applying DuPage County's 2012 three-year average median level of assessment of 33.32% as determined by the Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(1). Based on this evidence, the appellant requested the subject parcels' assessments be reduced to reflect their sale prices.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a).

Conclusion of Law

The appellant contends the market value of the subject parcels are not accurately reflected in their assessed valuations. 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 appellant has met this burden of proof and a reduction in the subject parcels' assessments are warranted.

The Board finds the only evidence of market value contained in this record is the sales of the subject parcels in June 2012 for \$65,000 and \$25,000, respectively. Based on this record, the subject parcels' sales appear to meet the fundamental elements of arm's-length transactions. The subject parcels' assessments reflect estimated market values of \$138,565 and \$137,935, respectively, which are greater than the subject parcels' sale prices. The board of review did not submit any evidence in support of the correct assessments of the subject properties or refute the value evidence submitted by the appellant. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a). Based on the evidence contained in this record, the Board finds reductions in the subject parcels assessments are warranted. Since market values have been established, DuPage County's 2012 three-year average median level of assessment of 33.32% as determined by the Department of Revenue shall apply, rounded. 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.

Chairman

K. L. Ferri

Member

Marko M. Louie

Member

Member

[Signature]

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: April 24, 2015

[Signature]

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.