



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

APPELLANT: Kathleen Hampton
DOCKET NO.: 12-04161.001-R-1
PARCEL NO.: 09-04-313-004

The parties of record before the Property Tax Appeal Board are Kathleen Hampton, the appellant, 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:

LAND: \$37,660
IMPR.: \$11,170
TOTAL: \$48,830

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging 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 consists of a one-story dwelling of frame construction with 1,202 square feet of living area. The dwelling was constructed in 1970. Features of the home include a partial basement with finished area, central air conditioning and an attached 600 square foot garage. The property has a

12,225 square foot site and is located in Westmont, Downers Grove Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 30, 2011 for a price of \$146,500. Based on this evidence, the appellant 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 \$91,140. The subject's assessment reflects a market value of \$273,529 or \$227.56 per square foot of living area, land included, when using the 2012 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the township assessor's office contended that the subject's purchase was a "Bankunited sale, cash only" and that a sheriff's deed had previously been issued in April 2011. Besides noting documentation requests that had been made to the appellant, the assessor also reported that a permit was issued for "new roof 11/10/11."

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located in varying neighborhood codes assigned by the assessor as compared to the subject property. The comparables consist of one-story dwellings of frame or frame and masonry construction which were built between 1968 and 1977. The homes range in size from 1,126 to 1,438 square feet of living area and feature full or partial basements, two of which have finished area. Each comparable has a garage ranging in size from 437 to 576 square feet of building area. Two of the comparables also have a fireplace. The assessor's office noted that the subject's lot is larger than any of these three comparables. The properties sold in April or September 2011 for prices ranging from \$239,000 to 315,000 or from \$175 to \$219 per square foot of living area, including land, rounded.

Based on this evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

Conclusion of Law

The appellant contends 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 appellant 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 August, 2011, a date approximately five months prior to the assessment date at issue of January 1, 2012, for a price of \$146,500. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by United Bank using a Realtor from Prudential Starck Realtors, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for two months. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase date and price.

The Property Tax Appeal Board finds the purchase price of \$146,500 is below the market value reflected by the assessment of \$273,529. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction other than reported it was a "bank, cash only" sale. The board of review also did not present any evidence to refute the contention that the purchase price was reflective of market value. To the extent that the appellant purportedly obtained a building permit to replace the roof after the purchase, the board of review provided no evidence to support this contention or to indicate whether that was merely maintenance/repair of the property or an improvement that should impact market value.

In light of the subject's recent purchase price, the Board has given little weight to the comparable sales presented by the board of review. 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). 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).

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is warranted.

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.

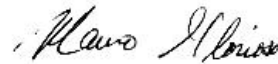
Chairman



Member



Member



Member



Acting 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 18, 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.