



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

APPELLANT: Jim & Michelle Work  
DOCKET NO.: 13-01495.001-R-1  
PARCEL NO.: 09+-20-256-013

The parties of record before the Property Tax Appeal Board are Jim & Michelle Work, the appellants, and the DeKalb 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 **DeKalb** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$8,333  
**IMPR.:** \$19,000  
**TOTAL:** \$27,333

Subject only to the State multiplier as applicable.

**Dismissal Motion**

At the hearing as a preliminary matter, the DeKalb County Board of Review moved to dismiss this appeal on the grounds that the property owner is recorded as Michelle Work. Additionally, the board of review representative researched and could find no evidence that Jim Work has been a reported taxpayer as to the subject property. The records indicated that the taxes on the subject property had been paid through an escrow account. Therefore, in accordance with the rules of the Property Tax Appeal Board (86 Ill.Admin.Code 1910.70), since Jim Work is neither an owner nor a recorded taxpayer, given the requirement that an appeal may only be presented by a taxpayer, owner or Illinois licensed attorney, in the absence of Michelle Work at hearing, the board of review requested dismissal.

The co-appellant on the appeal petition, Jim Work, the husband of Michelle Work, appeared at the hearing. He testified that when the subject property was purchased, it was placed only in his wife's name at the recommendation of their retained legal counsel. Jim Work filled out the Residential Appeal petition and both he and his wife signed the petition. Additionally, both he and his wife lived in the subject dwelling from early 2014 until the resale of the property. He also testified that his wife works in Huntley and could not attend the hearing whereas he works in DeKalb. Furthermore, it was only early on the day of the hearing that he was advised of the appearance/representation issue being raised by the board of review. He further testified that all of his and his wife's money is combined in a joint checking account for the payment of bills, including property taxes.

On cross-examination, it was established that the property taxes on the subject property were paid for through the closing process, both with the initial purchase by the appellants and by the recent sale by the appellants. Mr. Work testified that the taxes had not been timely paid on the property given the pending assessment appeal before the Property Tax Appeal Board. He acknowledged that additional penalties would be incurred based upon the decision to not timely pay those property taxes.

The Administrative Law Judge took the dismissal motion under advisement and the Board hereby denies the dismissal motion. The Property Tax Code provides that any "taxpayer" dissatisfied with the decision of a board of review may file an appeal with the Property Tax Appeal Board. (35 ILCS 200/16-160) The Board finds that the appellants jointly maintain their finances and jointly occupied by the subject dwelling. The Board finds that the intent of the legislation is for the appealing party to have either an ownership or a financial interest in the subject property. Given the testimony of Jim Work regarding the dismissal motion, the Board finds that Jim Work has a sufficient financial interest in the subject property to pursue the instant appeal and the dismissal motion is denied.

#### **Statement of Jurisdiction**

The appellants timely filed the appeal from a decision of the DeKalb County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 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 two-story dwelling of frame construction. The dwelling was constructed in 2005. Features of the home include a full unfinished basement, central air conditioning<sup>1</sup> and an attached garage. The property is located in Cortland, Cortland Township, DeKalb County.

As an initial matter, the appellants disputed the dwelling size of 3,044 square feet of living area as set forth on the property record card prepared by the assessing officials. As part of their appeal submission, the appellants penned in a correction to the schematic drawing on the property record card to alter the garage depth and decrease the living area square footage to 2,776 square feet. The appellants reported a garage size of 568 square feet on the property record card whereas the assessing officials depict a garage size of 380 square feet. At the hearing, Jim Work also testified that he measured the extended rear portion of the garage and determined it to be approximately 12 feet wide and 21 feet deep which was incorrectly depicted by the assessing officials as living area.

As to the subject dwelling size, the board of review relied upon the existing property record card as drawn by a previous township assessor reporting a dwelling size of 3,044 square feet. No witness was called to testify regarding the size of the subject dwelling.

On this record, the Board finds the appellants presented by the best evidence of the subject's dwelling size. Therefore, the subject dwelling for purposes of this decision is found to contain 2,776 square feet of living area.

The appellants appeared at hearing before the Property Tax Appeal Board by Jim Work and contended overvaluation as the basis of the appeal. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased on November 27, 2013 for a price of \$81,809. Mr. Work testified that the subject was purchased from U.S. Bank and that both the bank and the appellants had Realtors representing them as part of the transaction. The appellants learned of the subject property through the Multiple Listing Service, Zillow or

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<sup>1</sup> The appellants' appeal reported that the subject's central air conditioning unit had been stolen. The assessing officials did not dispute this contention made by the appellants, but reported the property as having central air conditioning as part of the subject's property record card.

another website and there was a sign in the yard from Real Home Services, agent Cheryl Rabin. He also stated that offers on the subject property had to be placed on-line, but that the sale was not an auction.<sup>2</sup> It was Realtor, Mark Southwood, who placed the appellants' offer on the website. He also testified that the asking price was \$85,000 for the subject property. The appellants initially made an offer which was rejected and thereafter submitted an offer of \$80,000 which was accepted. After the application of additional fees and costs, the final closing price was \$81,809. Jim Wood further opined that the transaction was a bit unusual or unique in that the appellants' attorney had to prepare the deed and the appellants had to order their own title insurance.

As to the subject property's condition, Jim Wood testified that the \$4,300 expended in renovations after the purchase were mostly related to carpeting and paint. He noted that the home was dirty, but there were no holes in walls, missing cabinets or other damages that occasionally occur with foreclosure properties. He testified that the plumbing and heating worked just fine. The renovations were mostly cosmetic.

The appellant also acknowledged that the subject property was sold in 2015 with a closing on April 2. The sale transaction was recorded in county records on April 3, 2015 with a reported sale price of \$175,750.

In addition, the appellants provided four comparable sales of properties located within six blocks of the subject dwelling. The comparables were each two-story frame dwellings that were 5 to 10 years old. The comparables sold between August 2013 and January 2014 for prices ranging from \$97,600 to \$124,900 or from \$46.47 to \$63.98 per square foot of living area, including land.

With regard to area sales, Mr. Work characterized Cortland as "a mess" with a lot of distressed sales and a highly fluctuating marketplace which has gone from the depths of depression to now a more rebounding market. He asserted that some homes once sold for \$260,000 and then there were also a good number of sales for less than \$100,000 for similar properties.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

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<sup>2</sup> The Property Tax Appeal Board takes notice that in Section IV - Recent Sale Data of the Residential Appeal petition, the appellants marked that the property was sold by "auction."

On cross-examination, Mr. Work testified that the subject property was viewed in-person prior to the purchase. Additionally, while their original intention was to use the property as a rental home, the appellants ended up moving into the dwelling because they sold their home in Sycamore. He further testified that the appellants took their "sweet time" in fixing up the subject property and then moved into it in March 2014.

While he did not submit them, he could produce receipts for the \$4,300 in renovations consisting of mainly carpet and painting; Mr. Work performed the painting himself and acknowledged that if professional labor costs were estimated the renovation cost would be greater. Mr. Work reiterated his contention that the market at the time of his purchase and the market at the time of his recent sale were very different in Cortland.

As to the photographs submitted with the appeal petition which appear to have been part of an appraisal report, Jim Work testified that he and his wife originally were going to borrow money to make the purchase and retained an appraiser who began to gather materials to prepare a report. The appellants then decided not to borrow money and cancelled the appraisal before a report was completed. Mr. Work testified the appraiser was paid \$150 to \$175 for his time up to that point and turned over the photographic pages that were submitted with this appeal. When cancelled, the appraiser also gave a verbal estimate of market value ranging from \$90,000 to \$95,000 in the property's current condition.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$45,660. The subject's assessment reflects a market value of \$137,572 or \$49.56 per square foot of living area, land included, based on a dwelling size of 2,776 square feet and when using the 2013 three year average median level of assessment for DeKalb County of 33.19% as determined by the Illinois Department of Revenue.

At hearing, the board of review was represented by Robin L. Brunschon, Clerk of the DeKalb County Board of Review.

In support of its contention of the correct assessment the board of review submitted a "corrected" grid analysis of the appellants' four comparable sales. The only corrections made were to the reported dwelling sizes which increased the living area square footage of each of the home and consequently

lowering the sale price per square foot of those same properties. The board of review reported dwelling sizes ranging from 2,272 to 2,552 square feet of living area and sale prices ranging from \$39.18 to \$54.97 per square foot of living area. Applying the average sale price of these four properties of \$45.21 to the subject's purported dwelling size of 3,044 square feet, the board of review estimated a market value of approximately \$137,600.

In addition, the board of review submitted a copy of the PTAX-203, Illinois Real Estate Transfer Declaration regarding the appellants' November 2013 purchase of the subject property for \$81,809. The board of review noted that the property was reported as advertised for sale and someone on the recorded document hand-wrote "internet auction."

Based on this evidence, the board of review requested confirmation of the subject's assessment.

When asked by the Administrative Law Judge, Brunshon testified that she had no evidence that the sale of the subject property in November 2013 was not an arm's length transaction.

#### **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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

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). 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).

On this record and given the case law, the Property Tax Appeal Board finds the best evidence of market value to be the purchase of the subject property in November, 2013 for a price of \$81,809. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property had been advertised on the open market with a sign in the yard and with the Multiple Listing Service along with being on the Internet and it had been on the market for 4 months. Jim Work also testified that the property was sold using a Realtor and that the appellants had a Realtor for the purchase. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which depicted that the property was advertised prior to its sale. In addition, Jim Work testified that the asking price of the subject property was \$85,000.

The Board finds the purchase price of \$81,809 is below the market value reflected by the assessment of \$137,572. The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction other than noting the handwritten "internet auction" remark on the PTAX-203. Moreover, the board of review had no evidence to refute the contention that the purchase price was reflective of market value, particularly given that the asking price was \$85,000.

Given the case law and the totality of the appellants' purchase transaction and final purchase price in November 2013, the Board has given little weight to the four comparable sales which have varying degrees of similarity to the subject property.

Based on this record the Board finds the subject property was overvalued and a reduction commensurate with the appellants' 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.

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Chairman

*Klaus Albino*

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Member

*[Signature]*

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Member

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Member

*Jerry White*

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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: July 24, 2015

*[Signature]*

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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.