



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

APPELLANT: Regina Bennett
DOCKET NO.: 13-01557.001-R-1
PARCEL NO.: 09-20-256-021

The parties of record before the Property Tax Appeal Board are Regina Bennett, the appellant, by attorney Jerri K. Bush of Chicago, and the DeKalb County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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.: \$38,667
TOTAL: \$47,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 is improved with a two-story single family dwelling of frame and brick construction with 2,335 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a two-car attached garage. The property has a 7,025 square foot site and is located in Cortland, Cortland Township, DeKalb 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 March 1, 2012 for a price of \$115,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the property was purchased from LaSalle 115 Holding LLC and the parties were not related. The appellant also indicated the property was sold by a Realtor, the property had been advertised in the Multiple Listing Service and the property had been on the market for 5 days prior to the sale. The appellant further indicated the property was in foreclosure. To document the sale the appellant submitted a copy of the settlement statement and a copy of the MLS listing. Based on this evidence, the appellant requested the subject's assessment be reduced to \$38,330.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$47,000. The subject's assessment reflects a market value of \$141,609 or \$60.65 per square foot of living area, land included, 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.

In rebuttal the board of review submitted a statement from the DeKalb County Chief County Assessment Officer asserting that the seller of the subject property was a financial institution and the deed was a special warranty deed. She stated these types of sales can sell way below what the market sales are in the neighborhood.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. The comparables were improved with two-story dwellings of frame construction with vinyl siding exteriors that ranged in size from 2,086 to 2,490 square feet of living area. The dwellings were 10 and 11 years old. The comparables had a partial or full basement, central air conditioning and a two-car garage. Two comparables each had one fireplace. These comparables sold from August 2012 to March 2013 for prices ranging from \$144,000 to \$155,000 or from \$57.83 to \$74.30 per square foot of living area, including land. The data provided by the board of review indicated that its comparable sale #2 sold at a Sheriff's Sale in December 2011 for a price of \$77,000 and was sold by a financial institution in June 2012 for a price of \$103,000. It sold again in March 2013 for a price of \$152,000.

In rebuttal the appellant's attorney asserted a recent sale is considered the best evidence of value. She argued the board of review provided no evidence disputing the arm's length nature of the transaction and no evidence that the sales price was not reflective of market value.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record to be the three comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold from August 2012 to March 2013 for prices ranging from \$144,000 to \$155,000 or from \$57.83 to \$74.30 per square foot of living area, including land. The subject's assessment reflects a market value of \$141,609 or \$60.65 per square foot of living area, including land, which is within the range established by the board of review comparable sales on a square foot basis. The Board gave less weight to the subject's sale due to the fact the sale did not occur as proximate in time to the assessment date at issue as did the comparables provided by the board of review. Furthermore, the sales provided by the board of review demonstrated the subject's purchase price of \$115,000 or \$49.25 per square foot of living area, including land, was not indicative of fair cash value as of January 1, 2013. Based on this record the Board finds a reduction in the subject's assessment is not justified.

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: August 21, 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.