



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

APPELLANT: Joan Tripicchio  
DOCKET NO.: 13-01559.001-R-1  
PARCEL NO.: 08-28-251-007

The parties of record before the Property Tax Appeal Board are Joan Tripicchio, the appellant, by attorney Jerri K. Bush in Chicago, 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:** \$14,272  
**IMPR.:** \$25,391  
**TOTAL:** \$39,663

Subject only to the State multiplier as applicable.

**Dismissal Motion**

Along with its "Board of Review - Notes on Appeal," the board of review made a motion to dismiss this appeal on the grounds that the owner of the subject property is Greenfeather Houses LLC, not the named appellant, Joan Tripicchio. In further support, the board of review submitted a copy of the County Parcel Information Report where in the owner's name and address is the same address as that identified for "alternate" name Tripp & Associates Inc. The board of review also contends there is nothing in the record to establish that the named appellant has a beneficial interest. The board of review concludes "this should have been dismissed by the Board of Review."

In response, the appellant through legal counsel asserted that Joan Tripicchio is a manager of Greenfeather LLC and as such has standing to file an assessment appeal concerning the subject parcel. Attached was a printout from the Illinois Secretary of

State's Office noting Greenfeather LLC's agent is Tripp & Associates, Inc. and managers recorded with that office include the named appellant.

The procedural rules of the Property Tax Appeal Board specify with regard to objections to jurisdiction:

If the board of review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition **prior to** the submission of the Board of Review Notes on Appeal and accompanying documentation. . . . [Emphasis added.] (86 Ill.Admin.Code §1910.40(b))

If the board of review objects to the Board's jurisdiction and the Property Tax Appeal Board subsequently determines that it has jurisdiction over the parties and the subject matter of the appeal, the board of review shall submit its Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 30 days after the Board's ruling determining jurisdiction. (86 Ill.Admin.Code §1910.40(c)).

In this matter, the board of review filed its "Notes on Appeal" and responsive evidence along with the dismissal motion. Under the procedural rules, the Board finds that the DeKalb County Board of Review arguably waived its ability to seek dismissal of this matter by simultaneously filing its evidence and "Notes on Appeal" with the dismissal request.

However, turning to the merits of the dismissal request, the Property Tax Appeal Board finds that a Notice of Final Decision was issued by the DeKalb County Board of Review on the subject parcel dated February 7, 2014. The owner name was listed on that document as Greenfeather Houses, LLC. There is no indication from the board of review as to who the named appellant was in the appeal which was filed before the DeKalb County Board of Review.

The appellant responded to the dismissal motion establishing the relationship of the named appellant to the owner of record of the subject property. Based on this evidence, the Board finds no merit in the dismissal request made by the board of review.

**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 consists of a one-story dwelling of frame construction with 1,660 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full basement with finished area, central air conditioning and an attached two-car garage. The property has a 10,080 square foot site and is located in DeKalb, DeKalb 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 May 15, 2012 for a price of \$119,000. In further support, the appellant submitted a copy of the Settlement Statement reiterating the sale date and price and also depicting the payment of brokers' fees. Also submitted was a copy of the Multiple Listing Service (MLS) data sheet depicting an original asking price of \$159,900 and an original listing date of February 23, 2011. The Listing & Property History Report depicts six price changes to a final asking price of \$119,900. The MLS data sheet further noted the property was on the market for 328 days prior to its sale for \$119,000 as a short sale and sold "as-is."

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 \$42,000. The subject's assessment reflects a market value of \$126,544 or \$76.23 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.

As to the sale of the subject, the board of review contends that this was a short sale as shown in the listing.

In support of its contention of the correct assessment and to demonstrate that the subject property "sold below market value,"

the board of review submitted information on three comparable sales. The sales occurred in December 2012 for prices ranging from \$115,000 to \$143,000 or from \$74.00 to \$100.14 per square foot of living area, including land. The board of review further contended that these properties sold for an average of \$82.90 per square foot of living area, including land.

Based on the foregoing evidence, and in the absence of a dismissal, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant noted the board of review did not provide any evidence disputing the arm's length nature of the sale transaction and argued that the sale of the subject property reflects market value given the arm's length sale.

### 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 Property Tax Appeal Board takes judicial notice of Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "**short sale**" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.  
[Emphasis added.]

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2013 and moreover, the Board finds these statutory provisions instructive as to the consideration of the subject's sale transaction, even it was a "short sale."

On this record, the Board finds the best evidence of market value to be the purchase of the subject property in May, 2012 for a price of \$119,000. 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 using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 328 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the sale date and price. The Board finds the purchase price of \$119,000 is below the market value reflected by the assessment of \$126,544.

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). The Board further finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the

contention that the purchase price was reflective of market value. In light of the foregoing case law, the Board has given little consideration to the comparable sales presented by the board of review.

Based on this record the Board finds the subject property is overvalued and a reduction 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.

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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.