



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

APPELLANT: Tim Boyd
DOCKET NO.: 13-03215.001-R-1
PARCEL NO.: 04-11-203-006

The parties of record before the Property Tax Appeal Board are Tim Boyd, the appellant, by Dennis D. Koonce of Dennis Koonce, Attorney at Law, 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:

LAND: \$33,970
IMPR.: \$33,970
TOTAL: \$67,940

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 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 part split-level and part one-story (raised ranch) frame dwelling that contains 1,368 square feet of above grade living area. The dwelling was constructed in 1968. Features include a finished lower level,

central air conditioning, two fireplaces and a two-car garage. The subject has a 37,492 square foot lot. The subject property is located in Winfield Township, DuPage County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information pertaining to the sale of the subject property. The appellant's appeal petition indicated the subject property sold in April 2013 for \$203,900 or \$149.05 per square foot of above grade living area including land. The appellant submitted the Multiple Listing Service (MLS) sheet and settlement statement associated with the sale of the subject property. The MLS sheet indicates the subject was to be sold as partially repaired. The appeal petition depicts the subject property was listed for sale on the open market with a Realtor for 107 days and the parties to the transaction were not related. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$85,650. The subject's assessment reflects an estimated market value of \$257,053 or \$187.90 per square foot of above grade living area including land when applying the 2013 three-year average median level of assessment for DuPage County of 33.32%.

In support of the subject's assessment, the board of review submitted limited information for four suggested comparable sales. The evidence was prepared by the Winfield Township Assessor. The comparable sales had varying degrees of similarity when compared to the subject. The comparables sold from March 2010 to November 2013 for prices ranging from \$229,000 to \$370,000 or from \$95.30 to \$166.47 per square foot of living area including land. The board of review did not address or challenge the subject's sale price. Based on this evidence, the board of review requested confirmation of the subject's 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 contained in this record is the sale of the subject property in April 2013 for \$203,900. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The buyer and seller were not related; the subject property was exposed to the open market; and there is no direct evidence the parties to the transaction were under duress or compelled to buy or sell. The Illinois Supreme Court has defined fair cash value as 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 to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value, but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983). The subject's assessment reflects an estimated market value of \$257,053, which is greater than its recent sale price. The subject sold as partially repaired, which reflects its condition and value at the time of sale. The Board further finds the board of review did not present any evidence to address or challenge the arm's-length nature of the subject's transaction.

The Board further finds the comparable sales submitted by the board of review do not overcome the subject's arm's-length sale price as provided by the aforementioned controlling Illinois case law. Notwithstanding that these comparables are dissimilar to the subject in design, age, and/or dwelling size, the comparables do not support the subjects estimated market value as reflected by its assessment. The comparables sold for prices ranging from \$95.30 to \$166.47 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$187.90 per square foot of above grade living area including land, considerably more than the comparables submitted by the board of review. Additionally, two comparables sold in 2010 or 2011, which are dated in relation to the subject's January 1, 2013 assessment date.

Based on this analysis, the Board finds the subject property is overvalued and a reduction in its assessment is justified. Since fair market value has been established, DuPage County's 2013 three year average median level of assessment of 33.32% shall apply.

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. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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: December 18, 2015

A. Proctor

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.