



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

APPELLANT: Timothy Kaiser
DOCKET NO.: 13-03391.001-R-1
PARCEL NO.: 03-23-202-022

The parties of record before the Property Tax Appeal Board are Timothy Kaiser, the appellant, by attorney Jerri K. Bush in Chicago; 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: \$20,030
IMPR.: \$500
TOTAL: \$20,530

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 is improved with a 1.5-story dwelling of frame construction with 1,078 square feet of living area. The dwelling was constructed in 1940. Features of the home include central air conditioning and a one-car garage. The property has an 8,820 square foot site and is located in Bensenville, Addison 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 October 25, 2012 for a price of \$61,600. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was U.S. Bank National Assoc. and the parties were not related. The appellant further indicated the property was sold by a Realtor and had been advertised for sale for 55 days in the Multiple Listing Service (MLS). The appellant marked that the property was sold in settlement of a foreclosure. The record also contained a copy of the settlement statement and a copy of the MLS listing of the subject property to document the sale. 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 \$27,610. The subject's assessment reflects a market value of \$82,863 or \$76.87 per square foot of living area, land included, when using the 2013 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information provided by the township assessor. The assessor stated the subject's assessment was not reduced to the sales price due to the fact that the building value would go below \$5,000, which is the assessor's minimum of \$5,000 for a home that is habitable. The assessor further asserted the land value is not changed when considering a sale price. The assessor also stated the property sold "as-is" in 55 days and asserted that is not a good indication of time available to buyers.

In further support of the assessment the assessor provided information on four comparable sales improved with 1.5-story dwellings of frame construction that ranged in size from 1,242 to 1,479 square feet of living area. The dwellings were constructed from 1931 to 1953. Two of the comparables had basements, one comparable has central air conditioning and three comparables had detached garages ranging in size from 400 to 576 square feet of building area. The sales occurred from December 2012 to April 2014 for prices ranging from \$103,000 to \$135,000 or from \$78.30 to \$91.28 per square foot of living area, including land.

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 to be the purchase of the subject property in October 2012 for a price of \$61,600. 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 55 days. In further support of the transaction the appellant submitted a copy of the settlement statement and a copy of the MLS listing sheet for the subject property disclosing the property sold "as-is." The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. Although the board of review submitted information on four comparable sales, this evidence did not refute the fact the property was sold in a transaction involving unrelated parties after being exposed on the market for 55 days. Based on this evidence the board finds a reduction in the subject's assessment is appropriate.

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



Acting 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: February 19, 2016



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.