



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

APPELLANT: Faraz Mota  
DOCKET NO.: 13-03397.001-R-1  
PARCEL NO.: 03-25-120-012

The parties of record before the Property Tax Appeal Board are Faraz Mota, 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: \$2,140  
IMPR.: \$9,360  
TOTAL: \$11,500**

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 a residential condominium unit with 800 square feet of building area. The condominium was constructed in 1975. Features of the condominium include central air conditioning. The property 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 January 29, 2013 for a price of \$30,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was the Federal Home Loan Mortgage Corporation (Freddie Mac) and the parties to the transaction were not related. The appellant indicated the property was sold using a Realtor and it had been advertised in the Multiple Listing Service (MLS) for 40 days. To document the sale the appellant submitted a copy of the settlement statement and a copy of the MLS listing sheet for the subject property. The listing sheet described the subject property as being REO/Lender owned, Pre-Foreclosure. 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 \$14,320. The subject's assessment reflects a market value of \$42,977 or \$53.72 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, which included four comparable sales. The assessor contends the appellant did not provide a fully executed HUD-1 settlement statement. The assessor also asserted that the subject sold in "as-is" condition in 40 days and argued this is not a good indication of time available to buyers.

The four comparable sales offered by the assessor were improved with 800 square foot condominium units constructed in 1975. The comparables sold from May 2011 to August 2013 for prices ranging from \$34,500 to \$36,000 or from \$43.13 to \$45.00 per square foot of living area. The board of review requested confirmation of the assessment.

In rebuttal the appellant submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration for the subject property documenting the sales price of \$30,000. The transfer declaration also disclosed the property was advertised for sale; the property was a Bank REO (real estate owned); and the seller/buyer was a financial institution or government agency.

**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 evidence in the record supports a reduction in the subject's assessment.

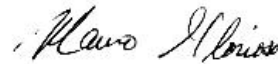
The Board finds the appellant submitted evidence that the subject property was purchased in January 2013 for a price of \$30,000. There is some issue concerning the arm's length nature of the subject's transaction due to the fact the property was real estate owned (REO) and was sold by the Federal Home Loan Mortgage Corporation. Furthermore, the board of review submitted information on four sales of similar condominium units that sold from May 2011 to August 2013 for prices ranging from \$34,500 to \$36,000. The three sales that sold most proximate in time to the assessment date had prices of \$35,000 and \$36,000. The subject's assessment reflects a market value of \$42,977, which is greater than the subject's purchase price and greater than the purchase price of each of the comparable sales provided by the board of review. Considering the sale of the subject property and the comparable sales provided by the board of review, the Board finds that the subject's assessment is not reflective of market value and a reduction is 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.

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Chairman



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Member



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Member



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Member

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Acting Member



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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: February 19, 2016



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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.