



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

APPELLANT: Mukesh & Vaishali Patel
DOCKET NO.: 13-03402.001-R-1
PARCEL NO.: 01-13-404-032

The parties of record before the Property Tax Appeal Board are Mukesh and Vaishali Patel, the appellants, 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: \$20,400
IMPR.: \$46,240
TOTAL: \$66,640**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story dwelling of frame construction with 1,682 square feet of living area. The dwelling was constructed in 1990. Features of the home include a full basement, central air conditioning and a two-car garage. The property has a 5,600 square foot site and is located in Hanover Park, Wayne Township, DuPage County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on December 30, 2011 for a price of \$135,000. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the seller was the Federal National Mortgage Association (Fannie Mae), the parties were not related,

the property was sold through a Realtor and had been advertise on the open market in the multiple listing service (MLS) for 182 days. To document the sale the appellants submitted a copy of the settlement statement and a copy of the MLS listing sheet. Based on this evidence, the appellants 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 \$69,720. The subject's assessment reflects a market value of \$209,244 or \$124.40 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 on four comparable sales identified by the township assessor. The comparables were improved with two-story dwellings of frame construction that ranged in size from 1,569 to 2,256 square feet of living area. The dwellings were constructed from 1988 to 1990. Three comparables had basements, each comparable had central air conditioning and each comparable had a two-car garage. The comparables had sites ranging in size from 4,983 to 9,635 square feet of land area. The sales occurred from March 2011 to August 2012 for prices ranging from \$176,000 to \$276,000 or from \$112.17 to \$122.34 per square foot of living area, including land. A narrative from the township assessor noted that the subject's MLS listing, a copy of which was submitted, indicates the subject property was in substandard condition at the time of sale. The listing stated in part that, "home has broken plumbing that will not be repaired or credited at closing and property cannot be dewinterized."

Based on this evidence, the board of review requested confirmation of the 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 evidence in the record supports a reduction in the subject's assessment.

The Board finds the best evidence of market value in the record to be the comparable sales #1, #2 and #4 submitted by the board of review. These comparables were relatively similar to the subject in location, style, construction, features and age. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices of \$200,000 and

\$276,000 or for prices of \$118.91 and \$122.34 per square foot of living area, including land. The subject's assessment reflects a market value of \$124.40 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. The Board gave little 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 these three sales. Additionally, the evidence indicated that at the time of sale the subject property had broken plumbing indicating it was in substandard condition. Furthermore, the subject's purchase price of \$80.26 per square foot of living area, including land, is significantly below the purchase price of the three best sales in this record indicating the purchase price was not indicative of fair cash value as of the assessment date at issue. Nevertheless, based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment 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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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: April 22, 2016

A. Heston

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.