



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

APPELLANT: Lynn and Kirk Phillips
DOCKET NO.: 14-02938.001-R-1
PARCEL NO.: 08-21-218-028

The parties of record before the Property Tax Appeal Board are Lynn and Kirk Phillips, the appellants, by Dennis D. Koonce, Attorney at Law, in Frankfort, and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$48,540
IMPR.: \$31,450
TOTAL: \$79,990

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 2014 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 single-family dwelling of frame exterior construction with 1,288 square feet of living area. The dwelling was constructed in 1977. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a 440 square foot garage. The property has an 8,587 square foot site and is located in Lisle, Lisle 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 from Robert Peters on July 15, 2013 for a price of \$200,000. In Section IV – Recent Sale Data of the appeal petition, the appellants reported the property was listed for sale with Coldwell Banker in the Multiple Listing Service for a period of 294 days. The appellants also reported that the parties to the transaction were not related. In further support, the appellants submitted a copy of the Multiple Listing

Service data sheet which reported the original listing price of \$234,900 and noted that the home "needs TLC and updating" sold "as-is." The property was also noted as a short sale being sold with conventional financing. Multiple copies of the Settlement Statement reiterated the date of sale and depicted a contract sales price of \$190,000 along with the payment of brokers' commissions.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the reported purchase price of \$200,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$83,330. The subject's assessment reflects a market value of \$250,015 or \$194.11 per square foot of living area, land included, when using the 2014 three year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and comparable sales data prepared by the Lisle Township Assessor's Office. In the memorandum, the assessor reported that the subject property was rehabbed after the purchase and before listing the property for rent. A copy of the rental listing dated November 13, 2013 was submitted which remarked in part "recently renovated and updated." The assessor contended that the sale price is not reflective of the condition or value of the property as of January 1, 2014.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales. The comparables consist of one-story frame dwellings that were built between 1976 and 1986. The homes range in size from 1,234 to 2,041 square feet of living area. Two of the comparables have basements, one of which has finished area. Two of the comparables have a fireplace and each has central air conditioning and a garage ranging in size from 418 to 481 square feet of building area. The properties sold between May 2012 and July 2013 for prices ranging from \$224,000 to \$392,000 or from \$175.93 to \$192.06 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The parties presented the sale of the subject and three comparable sales to support their respective positions before the Property Tax Appeal Board. The Board gave little weight to the subject's sale due to the fact the subject property was renovated after the purchase and before the assessment date at issue of January 1, 2014 which indicates that the sale price of either \$190,000

or \$200,000 as set forth in the appellant's evidence was no longer reflective of the subject's market value as of the assessment date. The Board also gave little weight to board of review comparable sale #1 as this dwelling was substantially larger than the subject property.

The Board finds the best evidence of market value in the record to be the board of review comparable sales #2 and #3 as these comparables were most similar to the subject in style as one-story dwellings, in dwelling size, exterior construction, features and/or age. These properties sold in May 2012 and July 2013 for prices of \$224,000 and \$275,500 or for \$175.93 and \$181.52 per square foot of living area, including land. The subject's assessment reflects a market value of \$250,015 or \$194.11 per square foot of living area, including land, which appears to be excessive on a per-square-foot basis when giving due consideration to the age and features of the subject with a partially finished basement as compared to the best comparable sales in this record.

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.



Chairman



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

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: August 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.