



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

APPELLANT: Korey Engelhardt  
DOCKET NO.: 14-02942.001-R-1  
PARCEL NO.: 04-04-403-021

The parties of record before the Property Tax Appeal Board are Korey Engelhardt, the appellant, 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:** \$12,430  
**IMPR.:** \$20,900  
**TOTAL:** \$33,330

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 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 construction with 1,328 square feet of living area. The dwelling was constructed in 1952. Features of the home include a 916 square foot garage. The property has a 7,570 square foot site and is located in West Chicago, Winfield 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 May 13, 2013 for a price of \$100,000. The appellant reported that the parties to the transaction were not related and the property was purchased from Wells Fargo. The property was listed with a realtor and advertised with the Multiple Listing Service for a period of 14 days. A copy of the listing sheet was provided indicating the property was first listed on April 4, 2013 with an asking price of \$79,900, the property was being sold for cash financing and was an REO/Lender Owned, Pre-Foreclosure property. Remarks included, "Multiple Offers Recv'd" and fresh paint and carpet

along with an updated kitchen and bathroom. However, the property was sold as is, taxes were at 100% proration and no survey. A copy of the Settlement Statement reiterated the sale date and price and further depicted the payment of brokers' fees. 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 \$48,840. The subject's assessment reflects a market value of \$146,535 or \$110.34 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 proposed an assessment reduction to \$41,270 which would reflect a market value of \$123,822 or \$93.24 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%. The appellant was informed of this proposed assessment reduction and by correspondence dated September 8, 2015, the appellant rejected the proposed assessment.

In support of its contention of the correct assessment the board of review also submitted information on two comparable sales located in the same neighborhood code assigned by the assessor as the subject property. The comparable one-story frame and brick dwellings built in 1950 and 1955. The homes contain 1,064 and 1,285 square feet of living area, respectively. One comparable has a partial basement and each comparable has a garage of 252 and 345 square feet of building area, respectively. The comparables sold in September 2013 and October 2013 for prices of \$128,500 and \$154,900 or for \$120.54 and \$120.77 per square foot of living area, including land.

Based on this evidence and the proposed stipulation, the board of review presumably seeks a reduction in the subject's total assessment to \$41,270.

### **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 May, 2013 for a price of \$100,000 which was greater than the original listing price set forth 14 days earlier. 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 and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction the appellant submitted a copy of the Settlement Statement. The Board finds the purchase price of \$100,000 is below the market value reflected by the assessment of \$146,535 and below the estimated market value as reflected by the proposed

assessment reduction to a market value of \$123,822. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction and the board of review failed to refute the contention that the purchase price was reflective of market value through the presentation of two comparable sales. Comparable sale #2 is dissimilar to the subject by having a partial basement and comparable sale #1 is substantially smaller than the subject dwelling and has a much smaller garage than the subject.

Based on this record the Board finds the best evidence of the market value of the subject property is reflected by its May 2013 sale price. 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: September 23, 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.