



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

APPELLANT: Faraz Mota
DOCKET NO.: 14-03285.001-R-1
PARCEL NO.: 03-25-120-012

The parties of record before the Property Tax Appeal Board are Faraz Mota, the appellant,¹ 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: \$2,100
IMPR.: \$9,400
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 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 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 (Fannie Mae) 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 which indicated the property was REO/Lender Owned,

¹ Attorney Jerri K. Bush withdrew her appearance as counsel for the appellant by a filing dated March 18, 2016.

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 \$14,040. The subject's assessment reflects a market value of \$42,124 or \$52.66 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 support of its contention of the correct assessment the board of review submitted information provided by the township assessor, which included a spreadsheet of 12 comparable sales along with the sale of the subject with supporting documentation for each sale. Each of the sales offered by the assessor were improved with 800 square foot condominium units located at the same street address as the subject property. The comparables sold from January 2012 to April 2015 for prices ranging from \$19,000 to \$103,282. One sale, the lowest sale price was described as "not on the market" and four of the sales were described as "court ordered sale," including the highest two sale prices on the spreadsheet.

Based on the foregoing evidence, 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 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 ten sales of 800 square foot condominium units at the same location as the subject which sold from January 2012 to April 2015 for prices higher than the subject's sale price and which ranged from \$33,500 to \$103,282. The four sales that sold most proximate in time to the assessment date occurred in May 2013, August 2013, April 2014 and September 2014 with prices ranging from \$33,500 to \$36,000. The subject's assessment reflects a market value of \$42,124, which is greater than the subject's purchase price and greater than the purchase price of each of the comparable sales that occurred most proximate to the assessment date of January 1, 2014 as 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.



Chairman



Member



Member



Acting Member

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: _____

April 21, 2017



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.