



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

APPELLANT: Leobardo Gomez
DOCKET NO.: 14-03287.001-R-1
PARCEL NO.: 03-28-103-018

The parties of record before the Property Tax Appeal Board are Leobardo Gomez, 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: \$20,420
IMPR.: \$21,243
TOTAL: \$41,663

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 brick exterior construction with 1,200 square feet of living area. The dwelling was constructed in 1956. Features of the home include a concrete slab foundation, central air conditioning and a detached 308 square foot garage. The property has a 7,370 square foot site and is located in Addison, 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 October 23, 2013 for a price of \$125,000. The appellant reported that the parties to the transaction were not related and the property was purchased from Fannie Mae (Federal National Mortgage). The property was listed with a realtor, SR Realty, and advertised with the Multiple Listing Service for a period of 70 days. A copy of the Settlement Statement consisting of two pages reiterated the purchase

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

price and closing date and also depicted the distribution of brokers' fees to two entities. A copy of the listing sheet was also provided indicating the property was first listed on June 4, 2013 with an asking price of \$154,900, which was subsequently reduced to \$139,900 before the property sold. The listing also indicated the property was available for FHA financing and was REO/Lender Owned property. Remarks included a description that the home was updated with fresh paint, appliances and more, but was "sold as-is."

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 \$51,070. The subject's assessment reflects a market value of \$153,225 or \$127.69 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 along with supporting documentation from the Addison Township Assessor's Office "relating to their attempt to obtain evidence of the sale from the Appellant[']s former attorney of record[.]".

In summary, the assessing officials cite to "a policy" of the assessor's office to obtain a "fully executed HUD-1" concerning purchase transactions. The assessor made contact with former Attorney Bush to obtain the "required" documentation without any success. As such, "based on the lack of evidence submitted, we feel the appeal should be dismissed" was the conclusion of Dawn Aderholt of the Addison Township Assessor's Office.

Based on the foregoing argument, 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 best and only evidence of market value to be the purchase of the subject property in October 23, 2013 for a price of \$125,000. The board of review's sole response was an assertion that the HUD-1 (Settlement Statement) lacked the signature page and therefore this appeal should be dismissed. The Board finds no evidence in the township assessor's dismissal request on this record.

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, the property had

been advertised on the open market with the Multiple Listing Service and it had been on the market for 70 days. In further support of the transaction the appellant submitted a copy of pages one and two of the Settlement Statement depicting the sale price, date and that brokers' fees had been distributed to two entities. The Board finds the purchase price of \$125,000 is below the market value reflected by the assessment of \$153,225. Moreover, the Property Tax Appeal Board finds that the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value, such as providing comparable sales evidence of similar properties.

Based on this record the Board finds the subject property had a market value of \$125,000 as of January 1, 2014. Since market value has been determined the 2014 three year average median level of assessment for DuPage County of 33.33% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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: February 24, 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.