



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

APPELLANT: SUJ LLC
DOCKET NO.: 14-03299.001-R-1¹
PARCEL NO.: 03-35-202-002

The parties of record before the Property Tax Appeal Board are SUJ LLC, the appellant,² 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: \$86,060
IMPR.: \$213,910
TOTAL: \$299,970

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 industrial manufacturing facility of masonry construction with 22,200 square feet of building area of which 3,145 square feet or 14.17% is office space. The building was constructed in 1966 and features six overhead doors and an exterior height of 14 feet. The building contains six units. The property has a 44,997 square foot site of which 13,650 square feet has asphalt paving. The property is located in Elmhurst, Addison Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted limited evidence disclosing the subject property was purchased on August 15, 2013 for a price of \$900,000 or \$40.54 per square foot of building area, including land. The appellant

¹ While the Property Tax Appeal Board recognizes that the subject property is an industrial facility, the appeal was filed utilizing a Residential Appeal petition.

² Attorney Jerri K. Bush withdrew her appearance as counsel for the appellant by a filing dated March 18, 2016.

reported that the parties to the transaction were not related and the property was purchased from Harris Trust. The property was sold by the owner and was advertised by "sign, internet and/or auction" for an unknown/unstated period of time. A two-page copy of the Settlement Statement with the buyer's signature reiterated the purchase price and closing date. The document also depicted a "commission" to Kingsbrook, Inc.

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 \$327,840. The subject's assessment reflects a market value of \$983,618 or \$44.31 per square foot of building 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 that noted the Settlement Statement lacked the signature of the seller. The memorandum also stated, "The property needed roof repairs, as evidenced by the permit record enclosed by the county. The appellant was not aware of the subject's condition at the time of sale, or as of 1-6-15. So the county took into account the permit for the roofing, and the other more current sales in Elmhurst" to confirm the current assessment. As part of the submission was a "permit history report" that in pertinent part indicated a permit for a "roof" was issued on September 25, 2013, but did not include any cost of the roof.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located in Elmhurst. The comparables consist of four, one-story and one, part one-story and part two-story masonry or metal buildings that were constructed or have effective ages between 1966 and 1978. The buildings range in size from 11,444 to 39,588 square feet of building area and have 14 to 22 foot building heights with from 2.37% to 17.18% office space. Four of the comparables are one unit properties and one is a two unit property. The comparables have land-to-building ratios ranging from 2.03:1 to 4.55:1 whereas the subject has a land-to-building ratio of 2.03:1. The comparables sold between September 2013 and April 2014 for prices ranging from \$860,000 to \$2,640,000 or from \$56.10 to \$77.04 per square foot of building area, including land.

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

Conclusion of Law

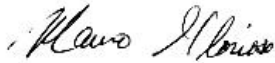
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 best evidence of market value to be the purchase of the subject property in August, 2013 for a price of \$900,000 or \$40.54 per square foot of building area, including land. 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 by the owner, but the Settlement Statement reflects the payment of a "commission" and the PTAX-203 that was filed by the board of review indicated that the property was advertised prior to sale.

In response to the sale price, the board of review contended that a building permit for a roof was obtained in September 2013. The board of review did not provide data as to the cost of the roof nor did the board of review establish the contributory value of the roof to the property. Furthermore, the Board finds the purchase price of \$900,000 is below the market value reflected by the assessment of \$983,618. Additionally, the Board finds the board of review did not present any evidence to challenge the arm's length nature of the sale transaction and the Board has given reduced weight to the comparable sales presented by the board of review which differed in number of units when compared to the subject and/or differed in building size when compared to the subject.

Based on this record the Board finds the subject property had a market value of \$900,000 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.