



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

APPELLANT: Amro Kudssi  
DOCKET NO.: 14-03301.001-R-1  
PARCEL NO.: 08-01-310-031

The parties of record before the Property Tax Appeal Board are Amro Kudssi, the appellant,<sup>1</sup> 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:** \$2,810  
**IMPR.:** \$13,855  
**TOTAL:** \$16,665

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 residential condominium unit containing 1,164 square feet of living area. The condominium was constructed in 1968. Features of the unit include two full bathrooms. The property is located in Downers Grove, Lisle 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 September 23, 2013 for a price of \$50,000. The appellant reported that the parties to the transaction were not related, the property was sold by a Realtor with Ryan Hill Realty and the property was purchased from Fannie Mae (Federal Home Loan Mortgage Corporation) after having been advertised with the Multiple Listing Service for a period of 39 days. A copy of the Settlement Statement reiterated the purchase 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

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<sup>1</sup> Attorney Jerri K. Bush withdrew as counsel for the appellant by a filing dated March 18, 2016.

July 27, 2013 with an asking price of \$54,900 before the property sold. The listing also indicated the property was available for conventional financing, was an REO/Lender Owned, Pre-Foreclosure property and the remarks included "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 \$24,820. The subject's assessment reflects a market value of \$74,467 or \$63.98 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 data prepared by the Lisle Township Assessor's Office. The assessor noted that the subject "was [an] REO."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales within the subject's condominium development. The comparables contain either 1,080 or 1,164 square feet of living area and have two full bathrooms. The comparables sold between August 2013 and March 2014 for prices of \$85,000 or \$86,000 or \$73.88 or \$78.70 per square foot of living 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 September, 2013 for a price of \$50,000. 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 39 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement and the Multiple Listing Service data sheet. The Board finds the purchase price of \$50,000 is below the market value reflected by the assessment of \$74,467. The Board finds the board of review did not present any substantive 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.

As to the foreclosure aspect of the subject's sale, the Board takes notice of Section 1-23 of the Code which defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

In addition, Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

The Board finds these statutes are instructive as to the appellant's 2014 assessment of the subject property and furthermore, finds it is appropriate to consider the sale of the subject property in revising and correcting the subject's assessment.

The Board has given reduced weight to the comparable sales presented by the board of review as these sales do not overcome the best market value evidence in the record concerning the sale of the subject between unrelated parties after the property had been marketed for a period of 39 days with an asking price of \$54,900 before the property sold to the appellant for \$50,000.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is warranted.

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.