



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

APPELLANT: Sunshine LTD Partnership  
DOCKET NO.: 14-03309.001-R-1  
PARCEL NO.: 05-01-110-073

The parties of record before the Property Tax Appeal Board are Sunshine LTD Partnership, the appellant; 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:** \$3,060  
**IMPR.:** \$23,940  
**TOTAL:** \$27,000

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 with approximately 975 square feet of living area. The unit is located in a 12 unit condominium building that was constructed in 1986. Features include central air conditioning, two bedrooms and two bathrooms. The property is located in Lombard, Milton 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 at a Sheriff's sale in October 2013 for a price of \$46,201. 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 \$35,880. The subject's assessment reflects a market value of \$107,651 or \$113.32 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 a statement provided by the Milton Township Assessor's office noting the subject property had sold at a Sheriff's auction and had not been advertised for sale. The assessor's office noted the property had been listed for sale but the listing had been cancelled in August 2011. The board of review provided a copy of the Sheriff's Sales Receipt dated September 27, 2013 disclosing the property sold for a price of \$46,201. The sales receipt referenced two parcel numbers (PINs): 05-01-110-065 and 05-01-110-066. The board of review also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject referencing three PINs: 05-01-110-073, 05-01-110-065 & 05-01-110-066, which were identified as the subject condominium and two garages. The seller was identified as the DuPage County Sheriff Office.

The board of review submission also included four sales identified by the township assessor improved with condominium units that had either 727 or 975 square feet of living area. The sales occurred from January 2011 to May 2014 for prices ranging from \$65,000 to \$140,000 or from \$83.08 to \$143.59 per square foot of living area.

Additionally, the board of review submitted a copy of a MLS listing for the subject property disclosing the property was listed on June 30, 2014 for a price of \$118,000. The listing described the subject dwelling as being completely renovated.

### **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 evidence in the record supports a reduction to the subject's assessment.

The Board finds the best evidence of market value in the record to be comparable sales #2 and #4 submitted by the board of review. These comparables were improved with condominium units that were similar to the subject in location, style, construction, features and age. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices of \$65,000 and \$81,000 or for \$89.41 and \$83.08 per square foot of living area, respectively. The subject's assessment reflects a market value of \$107,651 or \$113.32 per square foot of living area, including land, which is above that established by the best comparable sales in this record. Little weight was given board of review sales #1 and #3 as these properties sold in January 2011 and July 2012, not proximate in time to the assessment date. The Board gave little weight to the subject's sale due to the fact the sale does not appear to have the elements of an arm's length transaction. The property was sold by the Sheriff of DuPage County with what appears to be two additional PINs with garages. The Board finds the fact that the subject property sold at a Sheriff's auction does not meet the definition of "fair cash value" as defined by section 1-50 of the Property Tax Code as:

Fair cash value. The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50).

Being sold at a Sheriff's auction has an element of duress, which undermines the conclusion that the purchase price is demonstrative of fair cash value.

Nevertheless, based on the sales provided by the board of review, the Board finds 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: January 27, 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.