



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

APPELLANT: Nageli Diaz and J. Perez Vigil
DOCKET NO.: 14-03315.001-R-1
PARCEL NO.: 04-09-310-022

The parties of record before the Property Tax Appeal Board are Nageli Diaz and J. Perez Vigil, the appellants; 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: \$11,510
IMPR.: \$19,990
TOTAL: \$31,500

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 improved with a one-story dwelling of frame construction with 1,000 square feet of living area. The dwelling was constructed in 1968. Features of the property include a full unfinished basement and a two-car detached garage. The property has a 7,280 square foot site and is located in West Chicago, Winfield Township, DuPage County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on July 26, 2013 for a price of \$75,001. The appellants completed Section IV – Recent Sale Data of the appeal disclosing the property was purchased from the Federal National Mortgage Association (Fannie Mae) and was sold out of foreclosure. The appellants also indicated the property was sold through a Realtor, the property had been listed in the Multiple Listing Service (MLS) and had been on the market 12 days. To document the transaction the appellants submitted a copy of the settlement statement, a copy of the subject's MLS listing, a copy of the subject's Listing & Property History

Report and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration. The transfer declaration disclosed the property had been advertised for sale and further indicated the seller was a government agency and the property was a Bank REO (real estate owned). Based on this evidence, the appellants 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 \$37,810. The subject's assessment reflects a market value of \$113,441 or \$113.44 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 on three comparable sales identified by the township assessor. The comparable sales were improved with one-story dwellings ranging in size from 1,020 to 1,120 square feet of living area. The dwellings were constructed from 1952 to 1959. Each comparable has a basement with two being partially finished and each comparable has a garage with either 360 or 528 square feet building area. The sales occurred from May 2012 to January 2014 for prices ranging from \$109,000 to \$120,000 or from \$102.23 to \$113.64 per square foot of living area, including land.

In rebuttal the appellants submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with board of review sale #1 disclosing the property was not advertised for sale and further indicated the sale was between related individuals.

Conclusion of Law

The appellants contend 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 this record supports a reduction to the subject's assessment.

The appellants provided evidence disclosing the subject property sold in July 2013 for a price of \$75,001. The appellants 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 the Multiple Listing Service and it had been on the market for 12 days. The evidence also disclosed the subject property was a Bank REO and sold by a government agency. The Board finds that due to the relatively short period of time the property was exposed on the open market and the fact the property was sold by a government agency calls into question the arm's length nature of the transaction and whether the purchase price was truly indicative of fair cash value. Nevertheless, some weight will be given the sale of the subject property.

The board of review provided information on three comparable sales in support of the subject's assessment. The Board gives no weight to comparable sale #1 as this property sold in May 2012, not proximate in time to the assessment date. Furthermore, the transfer declaration indicated

comparable sale #1 was not advertised for sale and was sold between related individuals demonstrating this sale did not have the elements of an arm's length transaction. The two remaining sales provided by the board of review sold in October 2013 and January 2014 for prices of \$109,000 and \$114,500 or for \$106.86 and \$102.23 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$113,441 or \$113.44 per square foot of living area, including land, which is above the range established by these comparable sales on a square foot basis.

After considering the sale of the subject property and the two best sales in this record 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: December 23, 2016



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.