



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

APPELLANT: Jose M. Ramos
DOCKET NO.: 14-03322.001-R-1
PARCEL NO.: 03-24-115-016

The parties of record before the Property Tax Appeal Board are Jose M. Ramos, 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: \$26,060
IMPR.: \$3,940
TOTAL: \$30,000

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 is improved with a two-story dwelling of frame construction with 1,296 square feet of living area. The dwelling was constructed in 1944. Features of the home include a crawl space foundation and central air conditioning. The property has a 7,200 square foot site and is located in Bensenville, 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 February 22, 2013 for a price of \$90,000. The appellant completed Section IV – Recent Sale Data disclosing the seller was the Federal National Mortgage Association (Fannie Mae), the property was sold through a Realtor, the property had been advertised for sale in the Multiple Listing Service (MLS) and had been on the market for 13 days. To document the transaction the appellant submitted a copy of the settlement statement, a copy of the subject's MLS listing sheet and a copy of the Listing & Property History Report.

The appellant also raised a contention of law asserting that the DuPage County Board of Review issued a decision reducing the subject's 2013 assessment to \$31,590. The appellant argued that pursuant to section 16-80 of the Property Tax Code (35 ILCS 200/16-80) the assessment should remain the same for the remainder of the general assessment period. The appellant contends that the requirements of section 16-80 have been met but the 2013 board of review decision had not been rolled over to the 2014 assessment.

Nevertheless, 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 \$55,630. The subject's assessment reflects a market value of \$166,907 or \$128.79 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 that were improved with two-story dwellings that ranged in size from 1,507 to 1,734 square feet of living area. The dwellings were constructed from 1966 to 1998. Two comparables have central air conditioning, each comparable has a basement with one being partially finished and each comparable has a garage with either 388 or 440 square feet building area. The sales occurred from April 2013 to June 2014 for prices ranging from \$207,000 to \$247,000 or from \$119.38 to \$163.90 per square foot of living area.

The board of review also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject property disclosing the purchase price, indicating the property was advertised for sale and noting the property was a Bank REO (real estate owned). A copy of the subject's property record card was also submitted by the board of review disclosing that a building permit for a garage was issued in June 2014.

In rebuttal the township assessor noted that the subject property was marketed for 13 days and argued this was not a good indication of time available to buyers. The assessor also noted the subject property was bank owned and sold in "as is" condition. The assessor further stated that since the time of purchase permits were taken out to construct a new detached garage, driveway and sidewalks with a \$16,000 value. The assessor also stated an inspection of the property was performed on July 1, 2015 disclosing the property had a new detached garage, new driveway and sidewalks.

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 February 2013 for a price of \$90,000. The appellant provided evidence demonstrating the sale had 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 in the Multiple Listing Service and it had been on the market for 13 days. In further support of the transaction the appellant submitted a copy of the settlement statement and the board of review provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosing the property was advertised for sale. Additionally, the listing sheet described the subject property as in need of repairs and the property was being sold "as is." The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review evidence did not challenge the arm's length nature of the transaction or refute the contention that the purchase price was reflective of market value as of January 1, 2014. The three sales provided by the board of review were larger than the subject dwelling as well as being superior to the subject in age and features. The record does indicate that a garage, driveway and sidewalks were added during 2014, after the subject's purchase and after the January 1, 2014 assessment date at issue, therefore, no consideration can be given to the contributory value of these improvements as of January 1, 2014. Based on 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: 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.