



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

APPELLANT: Srinivas Matta  
DOCKET NO.: 14-03974.001-R-1  
PARCEL NO.: 07-17-121-067

The parties of record before the Property Tax Appeal Board are Srinivas Matta, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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:** \$16,950  
**IMPR.:** \$32,712  
**TOTAL:** \$49,662

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a 2013 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 two-story residential condominium of frame construction with 1,560 square feet of living area. The dwelling was constructed in 2002. Features of the dwelling include central air conditioning and an integral garage with 396 square feet of building area. The property is located in Aurora, Naperville 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 June 15, 2013 for a price of \$149,000. The appellant partially completed Section IV – Recent Sale Data disclosing the parties to the transaction were not related, the property was sold through a Realtor and the property had been advertised in the Multiple Listing Service (MLS). The appellant also submitted a copy of the closing statement along with the MLS listing disclosing the transaction

was a "short sale" and a copy of the Listing & Property History Report disclosing the property was on the market for 4 days.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$49,662 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 \$53,120. The subject's assessment reflects a market value of \$159,376 or \$102.16 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 proposed a stipulation to reduce the total assessment to \$51,310, which would reflect the 2013 decision of the Property Tax Appeal Board (\$51,670) along with application of the equalization factor of .9931. The board of review submitted no further information to support the subject's assessment or the proposed assessment reduction.

The appellant's counsel was informed of this proposed assessment reduction and rejected the offer, seeking to have the assessment reduced to reflect the purchase price.

### **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.

As an initial matter, the DuPage County Board of Review appears to be treating the subject property as subject to the "rollover" provision of the Property Tax Code, despite the lack of any evidence that the property is owner-occupied residential real estate. Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. [Emphasis added.]

The appellant in this proceeding filed a "direct appeal" pursuant to Section 16-185 seeking to have the subject's assessment reduced in accordance with the recent purchase price. The board

of review failed to substantively respond to the appellant's market value evidence and instead relied upon an inapplicable statutory provision as cited above. This record discloses the Property Tax Appeal Board issued a decision reducing the subject's 2013 assessment to \$51,670. However, there is nothing in the record to indicate that the subject property is an owner occupied dwelling. As such, the Board finds that the "rollover" provision of Section 16-185 of the Property Tax Code is inapplicable to this proceeding and the appellant is entitled to a decision based on the evidence of market value in the record.

The Board finds the only evidence of market value in the record to be the purchase of the subject property in June, 2013 for a price of \$149,000. The appellant provided limited evidence demonstrating the sale had several of the elements of an arm's length transaction, although the property had been on the market for only 4 days, with a list price of \$159,000 and having been a "short sale." The appellant disclosed the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the MLS and additional documentation revealed it had been on the market for 4 days prior to its sale.

In the absence of additional market data to refute the purchase price presented by the appellant, the Property Tax Appeal Board finds the only evidence in the record establishes that the subject property had a market value of \$149,000 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



Acting Member

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: \_\_\_\_\_

April 21, 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.