



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

APPELLANT: Shree Radhey Shyam Group  
DOCKET NO.: 15-00072.001-R-1  
PARCEL NO.: 04-10-321-014

The parties of record before the Property Tax Appeal Board are Shree Radhey Shyam Group, 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 **No Change** 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:** \$10,510  
**IMPR.:** \$35,770  
**TOTAL:** \$46,280

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a 2014 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 2015 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 split-level single-family dwelling of frame and brick exterior construction with 1,172 square feet of living area. The dwelling was constructed in 1992. Features of the home include a basement with finished area and central air conditioning. The property has a 7,673 square foot site and is located in West Chicago, Winfield Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant cited to both a recent purchase price and also submitted information on four comparable sales.

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

For the sale price data, the appellant completed Section IV – Recent Sale Data of the appeal form indicating that the subject property was purchased on April 24, 2013 for a price of \$95,100. The appellant also indicated the subject property was sold by Fannie Mae (Federal Home Loan Mortgage Corporation), the property was advertised on the open market with a Realtor using the Multiple Listing Service (MLS) for a period of 65 days and the parties to the transaction were not related. The appellant also submitted a copy of the closing statement disclosing the sales price and depicting the distribution of brokers' fees to two entities. A copy of the MLS listing sheet was also submitted depicting that the property was an REO/Lender Owned, Pre-Foreclosure with an original listing price of \$144,900 when placed on the market in December 2012.

The appellant also submitted information on four comparable sales of properties located from .34 of a mile to 1.63-miles from the subject property. The comparables were described as being split-level dwellings that were built between 1979 and 1996. The homes range in size from 1,060 to 1,266 square feet of living area. Each comparable also has both a basement and a garage. The comparables sold between April 2014 and July 2015 for prices ranging from \$81,000 to \$140,000 or from \$66.18 to \$119.45 per square foot of living area, including land. Below the comparable sales data was a grid entitled "Property Equalization Values" with adjustments to the comparables for sale date, land, age, size, basement area and garage space. At the end of the analysis, data sources were listed as Assessor, County, MLS, Realist and Marshall & Swift. No evidence or explanation pertaining to the calculation of the adjustment amounts was submitted.

Based on this evidence the appellant requested the subject's assessment be reduced to \$28,407 which would reflect a market value of approximately \$85,230.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$46,280. The subject's assessment reflects a market value of \$138,979 or \$118.58 per square foot of living area, land included, when using the 2015 three year average median level of assessment for DuPage County of 33.30% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review noted that none of the appellant's suggested comparables were located in the subject's neighborhood code. Also submitted was a copy of Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) with particular highlighted attention to a provision that a prior year Property Tax Appeal Board (PTAB) reduced assessment "shall remain in effect for the remainder of the general assessment period." The cited provision also has a requirement that the subject property at issue be an owner-occupied residence. Furthermore, the notes on appeal indicated that tax year 2015 was the first year of the General Assessment Cycle for the subject property. As such, the PTAB finds no basis in this record to apply the cited statutory provision to the instant appeal concerning the prior year's assessment determination by the PTAB as (1) there is no indication that the subject property is owner-occupied and (2) tax year 2015, which is the tax year at issue in this appeal, was the start of the general assessment cycle.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales located in the same neighborhood code

assigned by the assessor as the subject property. The comparables consist of split-level dwellings that were built between 1958 and 1962. The homes range in size from 1,088 to 1,209 square feet of living area. Each comparable also has both a basement and a garage. The comparables sold between November 2014 and October 2015 for prices ranging from \$168,000 to \$191,900 or from \$145.46 to \$170.96 per square foot of living area, including land.

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted data on the sale of the subject property in April 2013 along with data on nine comparable sales to support their respective positions before the Property Tax Appeal Board (PTAB). The Board has given little weight to the subject's sale price as it occurred in April 2013, a date more remote in time to the valuation date at issue of January 1, 2015 and thus less likely to be indicative of current market value. The Board also gave reduced weight to the four comparable sales presented by the appellant as the comparables are located more distant from the subject property than other comparables presented in the record.

The Board finds the best evidence of market value to be the board of review comparable sales which have varying degrees of similarity to the subject property. Each of these comparables is similar in design and bracket the subject's dwelling size. The subject dwelling is newer than each of these comparables, but the subject also lacks the garage feature which is present at each of the comparable properties. The board of review comparables sold between November 2014 and October 2015 for prices ranging from \$168,000 to \$191,900 or from \$145.46 to \$170.96 per square foot of living area, including land. The subject's assessment reflects a market value of \$138,979 or \$118.58 per square foot of living area, including land, which is below the range established by the best comparable sales in this record and appears to be justified when giving due consideration to the subject's newer age and lack of a garage amenity. Based on this evidence the Board finds a reduction in the subject's assessment is not 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



Acting 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: \_\_\_\_\_

May 19, 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.