



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

APPELLANT: Patrick Herrmann
DOCKET NO.: 15-02326.001-R-1
PARCEL NO.: 14-16-276-003

The parties of record before the Property Tax Appeal Board are Patrick Herrmann, the appellant; and the DeKalb 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 **DeKalb** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 9,442
IMPR.: \$ 8,891
TOTAL: \$18,333

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DeKalb County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging 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 one and one-half story frame dwelling that has 1,673 square feet of living area. The dwelling is over 100 years old. The home features a partial unfinished basement, central air conditioning and detached garage. The subject has a 13,860 square foot site. The subject property is located in Clinton Township, DeKalb County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted four comparable sales located from 5 to 15 miles from the subject. The comparables had varying degrees of similarity when compared to the subject. They sold from October 2014 to September 2015 for prices ranging from \$28,900 to \$40,000 or from \$15.34 to \$25.16 per square foot of living area including land.

The appellant's evidence also shows the subject property sold in December 2014 for \$55,000 at a sheriff's auction. Section IV of the residential appeal petition disclosing the parties to the transaction were not family or related corporations and the property was advertised for sale. The appellant indicated at the time of sale the dwelling was uninhabitable due to its poor condition and lack of utilities. The evidence also indicates the appellant spent \$36,000 in renovations on the dwelling before occupancy in June 2015. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$18,333. The subject's assessment reflects an estimated market value of \$55,005 or \$32.88 per square foot of living area including land when applying the 2015 three-year average median level of assessment for DeKalb County of 33.33%

In support of the subject's assessment, the board of review submitted three comparable sales located in the same community as the subject. One comparable was located along the subject's street. The comparables had varying degrees of similarity when compared to the subject. They sold from August to December of 2014 for prices ranging from \$65,000 to \$72,000 or from \$23.50 to \$41.51 per square foot of living area including land. Based on the average sale price of \$34.19 per square foot of living area including land, the board of review opined the subject property had a market value of \$57,200.

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.

The Board finds the best evidence of market value contained in this record is the sale of the subject property in December 2014 for \$55,000 or \$37.93 per square foot of living area including land. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The buyer and seller were not related and the subject property was exposed to the open market. The Board finds there is no direct evidence the parties were under duress or compelled to buy or sell. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The subject's assessment reflects an estimated market value of \$55,005, which essentially mirrors its recent sale price of \$55,000 and the condition of the dwelling at the time of sale.

The Board gave little weight to the comparable sales submitted by the appellant due to their distant location in relation to the subject. The Board also gave less weight to comparable #1

submitted by the board of review due to its larger dwelling size when compared to the subject. The Board finds the remaining two comparable sales supports that the subject's sale price and assessment were reflective of market value. These comparables sold in October and December of 2014 for prices of \$68,000 and \$72,000 or \$37.56 and \$41.51 per square foot of living area including land, respectively.

Based on the evidence contained in this record, the Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence. Therefore, no reduction in the subject's assessment is warranted.

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



Acting Member



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: July 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.