



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

APPELLANT: John Cumbee
DOCKET NO.: 15-04936.001-R-1
PARCEL NO.: 05-15-128-068

The parties of record before the Property Tax Appeal Board are John Cumbee, 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 **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: \$19,960
IMPR.: \$172,790
TOTAL: \$192,750

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 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 two-story dwelling of frame construction with 3,172 square feet of living area. The dwelling was constructed in 2009. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 420 square foot garage. The property has a 7,929 square foot site and is located in Wheaton, Milton Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located within .8 of a mile of the subject along with a brief citing a general downward trend in property values over the years 2012 to 2014, but noting that the subject has had increases in assessment since the date of purchase in 2011. The comparables presented in the grid analysis consist of two-story dwellings of frame or masonry construction that were from 7 to 20 years old. The homes range in size from 2,400 to 3,534 square feet of living area and feature basements, two of which have finished areas, central

air conditioning, one or two fireplaces and garages ranging in size from 2-car to 4-car. The properties sold between April 2013 and August 2014 for prices ranging from \$405,000 to \$545,000 or from \$137.36 to \$168.75 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$166,960 which would reflect a market value of approximately \$500,880.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$192,750. The subject's assessment reflects a market value of \$578,829 or \$182.48 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 township assessor purported to provide a grid analysis of the appellant's comparables along with a listing of comparables prepared by the township assessor to support the assessment. The Board finds that the assessor only listed three comparables as presented by the appellant and further finds that the numeric references were in error except as to comparable #1.

As to the appellant's comparable #1, the assessor asserted it was not an arm's length transaction as "it was a foreclosure." Appellant's comparable #4 was noted as a smaller dwelling compared to the subject and appellant's comparable #3 was described as "poor-fair condition because not all new construction was complete at time of sale in 2013; it was sold 'as-is.'" There was no documentation such as photographs or a property record card to support the assessor's statements regarding comparable #3.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales. The comparables consist of two-story dwellings of frame construction that were from 1 to 9 years old. The homes range in size from 2,868 to 3,287 square feet of living area and feature basements, two of which have finished areas, central air conditioning, one or two fireplaces and two-car garages. The properties sold between August 2012 and August 2014 for prices ranging from \$603,713 to \$716,945 or from \$198.78 to \$246.54 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

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 a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #4 and board of review comparables #2 and #4 due to differences in date of sale and/or age when compared to the subject dwelling.

The Board has given no weight to the assessor's contention that a foreclosure sale is "not an arm's length transaction." In this regard, the Board takes judicial notice of Section 1-23 of the Property Tax Code which defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Furthermore, Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Therefore, the Board finds these statutes are directives that the mere "foreclosure sale" status of a comparable is not alone a basis to disregard consideration of the property.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #2 and #3 along with board of review comparable sales #1 and #3. While four of these five comparables are superior to the subject by having finished basement areas, these are the most similar comparables in the record in terms of location, age, size and/or features. These comparables sold between April 2013 and August 2014 for prices ranging from \$482,000 to \$694,000 or from \$137.36 to \$211.13 per square foot of living area, including land. The subject's assessment reflects a market value of \$578,829 or \$182.48 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be well-supported by appellant's comparable #2 that, like the subject, did not have any basement finish. 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.