



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

APPELLANT: Ruby E. Licata Trust
DOCKET NO.: 15-05047.001-R-1
PARCEL NO.: 04-21-418-244

The parties of record before the Property Tax Appeal Board are Ruby E. Licata Trust, the appellant, by Dennis D. Koonce, Attorney at Law in Frankfort; 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: \$7,130
IMPR.: \$36,870
TOTAL: \$44,000

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 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 townhouse of frame construction with 1,402 square feet of living area. The dwelling was constructed in 1994. Features of the home include a concrete slab foundation, central air conditioning, a fireplace and a 420 square foot integral garage. The property is located in Warrenville, Winfield Township, DuPage County.¹

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on September 5, 2014 for a price of \$132,000 or \$94.15 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

¹ The subject property's land area was not provided by either party.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$50,120. The subject's assessment reflects a market value of \$150,511 or \$107.35 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 support of its contention of the correct assessment, the board of review submitted information on five comparable sales. The comparables are located in the same neighborhood as the subject property. The comparables were described as ranch dwellings with frame construction. The dwellings were constructed in 1992 or 1993. Each dwelling contains 1,402 square feet of living area. The comparables sold from April 2014 to July 2015 for \$157,500 to \$170,000 or from \$112.34 to \$121.26 per square foot of living area, land included. The board of review also submitted a copy of the subject property's Illinois Real Estate Transfer Declaration (PTAX-203), which disclosed the subject's sale was a "short sale". Based on this evidence, 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record to be the purchase of the subject property in September 2014 for a price of \$132,000 or \$94.15 per square foot of living area, land included. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal form disclosing the seller was an individual; the parties to the transaction were not related; the property was sold using a realtor; the property was advertised on the open market with the Multiple Listing Service (MLS); and it had been on the market for 109 days prior to its sale. In further support of the transaction, the appellant submitted a copy of the settlement statement and the MLS listing sheet. The settlement statement revealed that commissions were paid to two realty firms. The MLS information disclosed the subject property's listing history. The subject was originally listed for sale at a price of \$145,000 but did not sell. On April 5, 2014, the subject property was listed for sale at a price of \$122,900. After 91 days on the market, the subject property sold for a price of \$132,000. The Board finds the subject's purchase price is below its market value reflected by the assessment. The Board finds the board of review was not able to refute the appellant's contentions that the subject sale was an arm's length transaction and that the purchase price was reflective of market value. The board of review submitted information on five comparable sales that sold from April 2014 to July 2015 for prices that ranged from \$112.34 to \$121.26 per square foot of living area, land included. The Board finds the board of review comparables were very similar to the subject and their sale dates were proximate to the assessment date. However, the Board finds the subject's listing history and September 2014 sale price of \$132,000 to be more accurate indicators of the subject's market value as of the January 1, 2015 assessment date. Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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



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: June 23, 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.