



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

APPELLANT: James Markum
DOCKET NO.: 15-05609.001-R-1
PARCEL NO.: 04-10-422-028

The parties of record before the Property Tax Appeal Board are James Markum, 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: \$26,130
IMPR.: \$11,200
TOTAL: \$37,330

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 bi-level style dwelling of frame construction with 1,164 square feet of above grade living area. The dwelling was constructed in 1979. Features of the home include a 528 square foot lower level that is finished and a 480 square foot integral garage. The property has a 15,749 square foot site and is located in West Chicago, Winfield 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 October 24, 2014 for a price of \$112,000. The appellant submitted evidence disclosing the seller was a financial entity, the sale was not a transfer between family members, the property sold by a realtor, and the property had been advertised for sale using the Multiple Listing Service (MLS). To document the transaction, the appellant submitted copies of the settlement statement, the MLS data sheet and a listing history report. The settlement statement revealed commissions were paid to two

realty firms. The MLS data sheet disclosed the subject was being sold in "as-is" condition. The MLS data sheet and the listing history report revealed the subject was listed for sale on August 22, 2014, at a price of \$134,599. After 24 days on the market, the subject property sold for a price of \$112,000. Based on this evidence, the appellant requested a reduction in the subject's assessment 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 \$53,590. The subject's assessment reflects a market value of \$160,931 or \$138.26 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 through the Winfield Township Assessor submitted information on two comparable sales with 9,199 and 11,669 square feet of land area. The comparables are improved with bi-level style dwellings of frame or frame and brick construction. Comparables #1 and #2 were constructed in 1995 and 1975 and contain 1,332 and 1,032 square feet of above grade living area, respectively. The comparables have lower levels with finished area and garages. Comparables #1 and #2 sold in June 2013 and December 2015 for prices of \$127,500 and \$200,000 or for \$95.72 and \$193.80 per square foot of living area, land included, respectively. The board of review also submitted a map, which disclosed the comparables were not located in close proximity to the subject property. As part of the submission, the township assessor presented the transfer tax declarations for the subject and the board of review's comparable sales. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a rebuttal.

Conclusion of Law

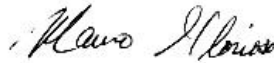
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 to be the purchase of the subject property in October 2014 for a price of \$112,000. The appellant provided ample evidence demonstrating the sale had the elements of an arm's length transaction. The appellant submitted evidence disclosing the parties to the transaction were not related, a realtor handled the transaction, and the property was being sold in "as-is" condition and had been advertised on the open market for 24 days prior to its sale. The Board finds the purchase price is below the market value reflected by the assessment.

The Board finds the board of review attempted to challenge the arm's length nature of the transaction but was not able to refute the contention that the subject's purchase price was reflective of market value. The board of review presented two comparable sales as being more

reflective of market value. However, the map submitted by the board of review revealed that neither comparable was located near the subject. In addition, board of review comparable #1 sold in June 2013 and was considered to be a dated sale in relation to the subject's January 1, 2015 assessment date. Board of review comparable #2 sold in December 2015, which was not as proximate to the January 1, 2015 assessment date as the subject's October 2014 sale. The Board finds the subject's listing history and October 2014 sale price of \$112,000 to be more accurate indicators of the subject's market value as of the subject's 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 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



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: August 18, 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.