



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

APPELLANT: Thomas Dunaway
DOCKET NO.: 15-06494.001-R-1
PARCEL NO.: 06-13-120-016

The parties of record before the Property Tax Appeal Board are Thomas Dunaway, the appellant, by attorney Katherine Amari O'Dell, of Amari & Locallo, in Chicago, 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: \$54,410
IMPR.: \$241,100
TOTAL: \$295,510

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 brick construction with 3,756 square feet of living area. The dwelling was constructed in 2014. Features of the home include a full finished basement, central air conditioning, a fireplace and a two-car garage. The property has a 7,260 square foot site and is located in Elmhurst, York 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 November 4, 2013 for a price of \$825,000. The appellant in Section IV – Recent Sale Data of the petition reported the property was purchased from the builder, the parties to the transaction were not related and the property had been on the market through a realtor and by signs by the development for 2 years. Documentation submitted in support of the appeal included a copy of the Warranty Deed and a copy of the recorded Mortgage reflecting a \$660,000 note executed on November 5, 2013.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price of \$825,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$295,510. The subject's assessment reflects a market value of \$887,417 or \$236.27 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 submitted a memorandum and data gathered by the York Township Assessor's Office. The assessor contends that 2015 was a general reassessment year wherein all property was reassessed for the quadrennial. The assessor further noted that the 2014 assessment of the subject property reflected an estimated market value of \$813,540 which was below its November 2013 purchase price of \$825,000.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales in the subject's neighborhood. The comparables consist of parcels ranging in size from 7,260 to 10,150 square feet of land area which have been improved with two-story frame, brick or frame and brick dwellings that were built between 2010 and 2015. The homes range in size from 3,368 to 4,111 square feet of living area and feature basements and two-car or three-car garages. The comparables sold between June 2014 and June 2015 for prices ranging from \$850,000 to \$1,158,622 or from \$236.04 to \$285.36 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 Board finds the best evidence of market value in the record to be comparable sales #1, #2 and #5 submitted by the board of review. These comparables were similar to the subject in location, style, construction, features, age and/or land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold between June and October 2014 for prices ranging from \$850,000 to \$921,500 or from \$236.04 to \$270.19 per square foot of living area, including land. The subject's assessment reflects a market value of \$887,417 or \$236.27 per square foot of living area, including land, which is within the range established by the best comparable sales in this record.

The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue and the evidence submitted concerning the arm's length

nature of the transaction was lacking. The Board also gave reduced weight to board of review comparables #3 and #4 due to their differing dwelling sizes and/or dates of construction when compared to the subject.

Based on this record the Board finds the subject's assessment is reflective of market value and 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



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: March 20, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Thomas Dunaway, by attorney:
Katherine Amari O'Dell
Amari & Locallo
734 North Wells Street
Chicago, IL 60654

COUNTY

DuPage County Board of Review
DuPage Center
421 N. County Farm Road
Wheaton, IL 60187