



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

APPELLANT: Alfreda Bugaj
DOCKET NO.: 16-05661.001-R-1
PARCEL NO.: 03-18-410-009

The parties of record before the Property Tax Appeal Board are Alfreda Bugaj, 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 **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: \$45,470
IMPR.: \$47,409
TOTAL: \$92,879

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 2016 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 and masonry construction with 2,460 square feet of living area. The dwelling was constructed in 1990. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a two-car garage. The property is located in Addison, Addison 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. The comparables were similar two-story dwellings of frame and masonry construction containing from 2,062 to 2,642 square feet of living area. The homes were built from 1966 to 1989. The comparables had other features with varying degrees of similarity to the subject. The properties sold from November 2014 to December 2016 for prices ranging from \$290,000 to \$420,000 or from \$122.78 to \$158.97 per square foot of living area, including land.

The appellant's appeal included evidence disclosing the subject property was purchased in an arm's-length sale transaction on March 26, 2015 for a price of \$279,000. The appellant also submitted a brief arguing that the subject property suffered from a large amount of physical depreciation at the time of purchase.

Based on this evidence the appellant requested a reduction in the subject's total assessment to \$92,990.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$118,530. The subject's assessment reflects a market value of \$356,053 or \$144.74 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for DuPage County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales, one of which was also submitted by the appellant. The comparables were similar two-story dwellings of masonry or frame and masonry construction containing from 2,358 to 2,738 square feet of living area. The homes were built in 1986 or 1989. The comparables had other features with varying degrees of similarity to the subject. The properties sold from July 2015 to October 2016 for prices ranging from \$375,000 to \$423,000 or from \$154.49 to \$159.03 per square foot of living area, including land.

The board of review's submission included a copy of the subject's Property Record Card (PRC) in which the subject's 2015 sale for \$279,000 was recorded. The PRC also noted "2016-no longer reduced based on sale. 2015 res exemption removed. Neither owner's principle residence for 2015.cp."

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 to be the purchase of the subject property in March 2015 for a price of \$279,000. 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 disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 1.5 years. The Board finds the purchase price is below the market value reflected by the assessment. The Board further finds the board of review did not present any credible evidence to challenge the arm's-length nature of the transaction or to refute the contention that the purchase price was reflective of market value.

Furthermore, the appellant submitted a brief arguing that the subject property suffered from a large amount of physical depreciation at the time of purchase, which supports the subject's sale price.

The Board gave less weight to the comparable sales analysis presented by the parties as this evidence does not overcome the subject's arm's-length sale transaction.

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 property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

Based on this record the Board finds the subject property had a market value of \$279,000 as of January 1, 2016. Since fair market value has been established, DuPage County's three-year median level of assessments of 33.29% shall apply.

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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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 19, 2019



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

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