



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

APPELLANT: Ronald Bongrat
DOCKET NO.: 16-05805.001-R-1
PARCEL NO.: 06-16-216-014

The parties of record before the Property Tax Appeal Board are Ronald Bongrat, the appellant, by attorney Ronald Justin of the Law Offices of Ronald Justin 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 **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: \$19,340
IMPR.: \$75,660
TOTAL: \$95,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kane 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 is improved with a split-level dwelling of frame and brick or stone construction containing 1,588 square feet of above ground living area. The dwelling was constructed in 1960. Features of the home include a 2-car attached garage. The property has a 8,190-square foot site and is located in Villa Park, Lisle 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 March 30, 2015 for a price of \$285,000. The appellant partially completed Section IV – Recent Sale Data of the appeal disclosing the sale price, date of sale and that the property was advertised for sale. The appellant submitted a copy of the HUD-1 Settlement Statement of the sale transaction. 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" wherein the subject's total assessment of \$103,450 was disclosed. The subject's assessment reflects a market value of \$310,754 or \$195.69 per square foot of above ground living area, including land, when applying 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 the assessment, the board of review submitted information on four comparable sales improved with split-level dwellings of frame and brick or stone or frame and aluminum siding exterior construction ranging in size from 1,516 to 1,823 square feet of above ground living area. The dwellings were constructed from 1957 to 1966. The comparables were located within the same neighborhood code as the subject property. Each of the comparables features an attached or a detached 2-car garage. The comparables have sites ranging from 8,256 to 12,376 square feet of land area. The comparables sold from May 2014 to December 2016 for prices ranging from \$310,000 to \$342,500 or from \$185.41 to \$225.92 per square foot of above ground living area, including land. The board of review also submitted PTAX-203 Illinois Real Estate Transfer Declaration form disclosing that the subject property was advertised for sale, that it will be the buyer's principal residence and that a homestead exemption was applied to the most recent property tax bill. The board of review also submitted a "Parcel History Report" disclosing that the only building permit issued after the sale date was for a fence. 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 contained in this record is the sale of the subject property on March 30, 2015 for a price of \$285,000. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. There is no evidence in the record that buyer and seller were related; the subject property was exposed to the open market; and there is no direct evidence the parties to the transaction were under duress or compelled to buy or sell. 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 two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). In addition, the parcel history report reveals that the only permit issued after the sale date was for a fence indicating that there were no major renovations/improvements made to the subject after the sale and prior to the January 1, 2016 assessment date which further supports the sale price as the market value. In addition, the board of review did not address or present any evidence that would demonstrate the

subject's sale was not an arm's-length transaction. The subject's assessment reflects an estimated market value of \$310,754, which is more than its recent sale price.

The Board further finds the comparable sales submitted by the board of review do not overcome the subject's arm's-length sale price as provided by the aforementioned controlling Illinois case law. Based on this analysis, the Board finds the subject property is overvalued and a reduction in its assessment is justified. Since fair market value has been established, DuPage County's 2016 three-year average median level of assessment 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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