



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

APPELLANT: Priya Properties LLC
DOCKET NO.: 16-06761.001-R-1
PARCEL NO.: 05-23-108-011

The parties of record before the Property Tax Appeal Board are Priya Properties LLC, 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: \$24,170
IMPR.: \$65,071
TOTAL: \$89,241

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 split-level dwelling of frame and masonry exterior construction situated on a 9,162-square foot lot. The dwelling was constructed in 1988 and contains 1,923 square feet of above-grade living area. Features of the home include a partial basement with a finished area, central air-conditioning, a fireplace and a 441-square foot garage. The property is located in Glen Ellyn, Milton Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant completed section IV of the residential appeal petition disclosing the subject property was purchased on December 17, 2015 for \$267,750. The appeal petition indicated the sale was not between related parties, was sold through a realtor and was advertised for sale on the Multiple Listing Service. The appellant also submitted copies of the Settlement Statement (HUD-1) and listing sheet. The Settlement Statement shows that commissions were paid to two realtors and

that a fee was paid to Auction.Com, Inc., indicating that the property was sold at auction. The listing sheet shows that the property was on the market for 14 days, was REO/Lender Owned and was sold "As-Is". Based on this evidence, the appellant requested the subject's total assessment be reduced to \$89,241 which reflects an estimated market value of \$267,723 or \$139.24 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$93,540. The subject's assessment reflects a market value of approximately \$280,985 or \$146.12 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 four comparable properties, only one of which included sale information. This dwelling is a split-level dwelling of frame and masonry exterior construction built in 1968 located 0.50 of a mile from the subject. The dwelling contains 1,487 square feet of above-grade living area and has a partial basement with a finished area, central air-conditioning and a 440-square foot garage. This property sold in May 2014 for \$337,000 or \$226.63 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a brief contending that the recent sale meets all of the criteria of any arm's length sale and that the board of review did not dispute the recent sale of the subject property or provide any evidence that the sale was not valid. Appellant's attorney further argued that the board of review's evidence should be given no weight as it is not responsive or relevant to an appeal based on a recent sale, even if said sale was compulsory

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 proven 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 of review presented data on one comparable sale property which sold in May 2014 and did not present any evidence contesting the validity of the December 2015 sale of the subject property. The Board gave less weight to the board of review's comparable as its 2014 sale is dated and thus less indicative of fair market value as of the subject's January 1, 2016 assessment date. The Board finds the best evidence of market value to be the uncontested sale of the subject property. Based on this record, the Board finds a reduction in the subject's assessment 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. 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: January 15, 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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