



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

APPELLANT: Jonathan D. Reinecke
DOCKET NO.: 17-05717.001-R-1
PARCEL NO.: 06-07-405-022

The parties of record before the Property Tax Appeal Board are Jonathan D. Reinecke, the appellant, by attorney Jessica Hill-Magiera 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 **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: \$23,310
IMPR.: \$55,050
TOTAL: \$78,360

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 2017 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 ranch style dwelling of masonry exterior construction with 1,272 square feet of living area. The dwelling was constructed in 1948. Features of the home include a basement with finished area, central air conditioning, a fireplace and a 286 square foot garage. The property has an 8,970 square foot site and is located in Lombard, 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 March 4, 2016 for a price of \$190,100. The appellant completed Section IV—Recent Sale Data of the appeal petition reporting that the subject property was purchased from the owner of record which was the Federal National Mortgage Association as reported in the Settlement Statement submitted by the appellant. Also, the parties to the transaction were not related and the property was advertised by

a realtor through the Multiple Listing Service. Additionally, the Multiple Listing Sheet submitted by the appellant indicated the subject property was listed on the market for 89 days. A copy of the Settlement Statement reflects the purchase price, date of sale and the distribution of broker's fees to two entities. 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 \$78,360. The subject's assessment reflects a market value of \$235,104 or \$184.83 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted a spreadsheet with six comparables located within the same neighborhood code as assigned by the township assessor.¹ The comparable sales #1, #4 and #6 consist of ranch style dwellings of masonry, frame or frame and brick exterior construction built from 1952 to 1955. The dwellings range in size from 1,152 to 1,372 square feet of living area and are situated on lots ranging in size from 7,500 to 10,970 square feet of land area. Two comparables have central air conditioning, two comparables each have one fireplace and two comparables each have a garage with either 220 or 323 square feet of building area. The comparables sold from June 2015 to April 2017 for prices ranging from \$255,000 to \$305,000 or from \$221.35 to \$223.48 per square foot of living area, including land. Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's attorney submitted a brief in which it was asserted that since the board of review did not dispute the recent sale of the subject property or contest its validity, the board of review's evidence was neither responsive or relevant to the basis of the appeal. Counsel also submitted copies of supporting statutory references, a copy of a Property Tax Appeal Board Decision rendered in Docket No. 15-01358.001-R-1 and a grid analysis on three additional comparable sales in support of her contention.

Conclusion of Law

First, regarding the appellant's rebuttal, the Board finds this submission included evidence on three new comparables that was not previously submitted. The Board finds it cannot consider this new evidence. Section 1910.66(c) of the rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

¹ The board of review comparables #2, #3 and #5 are equity comparables that will not be considered in this appeal as they do not address the appellant's overvaluation argument.

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 evidence disclosed that the appellant purchased the subject property on March 4, 2016 for a price of \$190,100 from The Federal National Mortgage Association (Fannie Mae). The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant partially 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 89 days. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds, however, the fact the property was sold by Fannie Mae calls into question whether the purchase price is reflective of fair cash value. The Board finds the board of review provided three sales similar to the subject property in location, style, dwelling size, age and features. However, board of review comparable #6 was given less weight as it sold in June 2015 which is less proximate in time and less likely to be reflective of the subject's market value as of the January 1, 2017 assessment date. The remaining two board of review comparables sold proximate in time to the assessment date at issue and sold for prices of \$305,000 and \$255,000 or for \$222.30 and \$221.35 per square foot of living area, including land. The Board finds these sales demonstrate the subject's purchase price of \$190,100 or \$184.83 per square foot of living area, land included, may not be representative of fair cash value. The Board finds that the subject's assessment reflecting market value of \$235,104 or \$184.83 per square foot of living area, including land, is well supported after considering the sales provided by the board of review. Therefore, the Board finds the appellant failed to prove by a preponderance of the evidence that the subject was overvalued 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(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: August 18, 2020



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

Jonathan D. Reinecke, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

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