



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

APPELLANT: Tina & Carlos Chivardi
DOCKET NO.: 18-04213.001-R-1
PARCEL NO.: 05-23-222-037

The parties of record before the Property Tax Appeal Board are Tina & Carlos Chivardi, the appellants, by Dennis D. Koonce, Attorney at Law in Frankfort; 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: \$39,000
IMPR.: \$142,666
TOTAL: \$181,666

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2018 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 2-story dwelling of frame exterior construction with 3,026 square feet of living area as depicted on the property record card.¹ The dwelling was constructed in 1993. Features of the home include a partially finished basement, central air conditioning, a fireplace, and an attached 3-car garage containing 560 square feet of building area.² The property has a 39,000-square foot site and is located in Glen Ellyn, Milton Township, DuPage County.

¹ Parties disagree slightly as to the subject's dwelling size with the appellant reporting that the subject contains 3,031 square feet of living area. The Board finds that the slight difference will not affect the Board's analysis or decision.

² Some descriptive information of the subject was drawn from the Multiple Listing Service (MLS) data sheet provided by the appellant and/or the subject's property record card provided by the board of review.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants completed Section IV – Recent Sale Data and reported that the subject property was purchased on August 1, 2018 from Sandra Hill for a price of \$545,000. The appellants further reported that the parties to the transaction were not related, the property was sold through a realtor, and the property was advertised through the Multiple Listing Service. The MLS data sheet depicted that the subject property was originally listed for \$549,900 and had been on the market for 4 days. In further support of the appeal, the appellants provided a copy of the Closing Disclosure associated with the sale of the subject, listing only the buyer's charges and credits which reiterated the purchase price and the date of sale. The buyer's Closing Disclosure did not list the amount of realtor's commission which is customarily paid by the seller and itemized on the seller's Disclosure, however, it identified the Settlement Agent as Baird & Warner Title Services, the same entity named as the Realtor firm. Based on this evidence, the appellants requested a reduction in the subject's assessment to approximately reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$211,030. The subject's assessment reflects a market value of \$634,105 or \$209.55 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for DuPage County of 33.28% as determined by the Illinois Department of Revenue.

In support of the assessment, the board of review submitted information and property record cards on four comparable sales, one of which was located in the same neighborhood code as the subject property. The comparables have sites of ranging in size from 9,996 to 16,657 square feet of land area and are improved with 2-story dwellings of frame or frame and masonry exterior construction ranging in size from 2,665 to 3,637 square feet of living area. The dwellings were built from 1988 to 2006. Each comparable features a basement with three being partially finished. Each comparable also features central air-conditioning, a fireplace, and a 2-car or a 3-car garage ranging in size from 441 to 640 square feet of building area. The comparables sold from January 2016 to April 2018 for prices ranging from \$575,000 to \$840,000 or from \$215.76 to \$230.96 per square foot of living area, including land.

In response to the appeal, the board of review submitted a narrative report contending that the subject's "... 2018 assessed value reflects the 2018 sale pro-rated to the sales date and sales price." Furthermore, the board of review asserted that the sale occurred in the second half of 2018 and was therefore too far past the January 1, 2018 assessment date to consider a reduction to the sale amount. The board of review also submitted the Illinois Real Estate Transfer Declaration (PTAX-203) form associated with the sale of the subject. Based on this evidence and argument, the board of review requested the subject's assessment be confirmed.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record to be the purchase of the subject property in August 2018 for a price of \$545,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants 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, and that the property had been advertised on the open market through the Multiple Listing Service. The MLS listing sheet provided by the appellants disclosed the subject property had been on the market for 4 days. In further support of the transaction, the appellants submitted a copy of the Closing Disclosure associated with the sale of the subject which reiterated the purchase price, date of sale, and broker's involvement. The market value reflected by the subject's assessment of \$634,105 is significantly higher than the purchase price of \$545,000. Importantly, the Board finds that the board of review did not present any evidence to refute the contention that the purchase price was reflective of market value or challenge the arm's length nature of the transaction. To the contrary, the board of review acknowledged that the 2018 assessment was based on the subject's sale price which adds validity to the conclusion the sale price was indicative of the subject's fair cash value.

The board of review argued that proration was applied to the subject's sale price due to the sale date being too far removed from the January 1, 2018 assessment date. The Board finds this argument unpersuasive and unsupported. The Property Tax Appeal Board finds January 1 is the statutorily defined date to determine the correct assessment for any real property in Illinois. (35 ILCS 200/9-155). Illinois courts recognized that assessing officials are not barred, as a matter of law, from considering events which occurred after the lien date in assessing properties. Subsequent events that the assessing officials may consider in any individual case will depend on the nature of the event and the weight to be given the event will depend upon its reliability in tending to show value as of January 1. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983). However, the Board finds that in this appeal, the board of review did not present any evidence of subsequent events that occurred which would cause a change in the subject's market value from its sale price.

The Illinois Supreme Court has held that a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The Property Tax Appeal Board finds that the four 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. Additionally, each of the board of review comparables were dissimilar to the subject in terms of either being significantly larger or smaller in dwelling sizes, being located outside the subject's neighborhood, or having a sale date in 2016 which is too far removed from the subject's January 1, 2018 assessment date to be a reliable indicator of fair market value as of that date. Based on this record, the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment commensurate with the appellants' request 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 19, 2021



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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