



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

APPELLANT: Beth & Ryne Ludke
DOCKET NO.: 18-04216.001-R-1
PARCEL NO.: 05-20-301-007

The parties of record before the Property Tax Appeal Board are Beth & Ryne Ludke, 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: \$28,540
IMPR.: \$107,126
TOTAL: \$135,666

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 2,760 square feet of living area. The dwelling was constructed in 1968. Features of the home include a partially finished basement, central air conditioning, wood-burning stove, and an attached 2-car garage containing 462 square feet of building area.¹ The property has a 9,925-square foot site and is located in Wheaton, Milton Township, DuPage County.

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 30, 2017 from Christopher Levine for a price of \$407,000. The appellants further reported that the parties to the transaction were not related, the property was sold through

¹ 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.

a realtor, and the property was advertised through the Multiple Listing Service. MLS data sheet depicted that the subject property had been on the market for 48 days with an original asking price of \$419,900. In further support of the appeal, the appellants provided a copy of the Closing Disclosure associated with the sale of the subject property which reiterated the purchase price, date of sale, and depicted broker's fees being distributed. 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 \$140,870. The subject's assessment reflects a market value of \$423,287 or \$153.36 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 response to the appeal, the board of review submitted a narrative report arguing that the appellants purchased the subject property in 2017. The assessment for the 2017 tax year was then prorated based on the purchase price. In the 2018 tax year, the board of review applied an equalization factor of 1.0383 (or 3.83%) to the 2017 assessment to arrive at the current assessment. As part of its submission, the board of review provided a copy of the "Assessment Details" form related to the subject property for the 2018 assessment year, the Illinois Real Estate Transfer Declaration (PTAX-203) form associated with the subject's sale, and a copy of the subject's property record card. 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 2017 for a price of \$407,000. 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 listing sheet provided by the appellants disclosed the subject property had been on the market for 48 days. In further support of the transaction, the appellants submitted a copy of the Closing Disclosure associated with the sale of the subject property which reiterated the purchase price, date of sale, and depicted broker's fees being distributed. The Board finds the purchase price of \$407,000 is below the market value reflected by the assessment of \$423,287. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the subject's sale transaction. In fact, the board of review acknowledged that the subject's assessment for the 2017 tax year was based on the sale price of \$407,000.

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 argument by the board of review that the 2018 assessment was based on a “pro-rated” calculation of the subject’s sale in 2017 plus the 2018 equalization factor is unsupported and unpersuasive. The Board finds that the board of review did not present any substantive evidence of subsequent events that occurred which would cause a change in the subject’s market value from its August 2017 sale price. Additionally, other than the assertion that the assessment is based on prior year’s “pro-rated” assessment plus the addition of an equalization factor, the board of review did not present any evidence of market value such as comparable sales in support of the subject’s assessment.

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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