



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

APPELLANT: Jacquelyn & Justin Casazza
DOCKET NO.: 18-04236.001-R-1
PARCEL NO.: 05-14-102-012

The parties of record before the Property Tax Appeal Board are Jacquelyn & Justin Casazza, 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: \$47,490
IMPR.: \$277,510
TOTAL: \$325,000

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 4,034 square feet of living area. The dwelling was constructed in 1898. Features of the home include a partially finished basement, central air conditioning, a fireplace, and a detached 2-car garage containing 484 square feet of building area.¹ The property has a 10,401-square foot lot and is located in Glen Ellyn, 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 July 14, 2017 from H. John Kreilling for a price of \$975,000. 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 MLS data sheet and/or the subject's property record card provided by the parties.

a realtor, and the property was advertised through the Multiple Listing Service (MLS). The MLS data sheet provided by the appellants depicted that the subject property had been on the market for 43 days. In further support of the appeal, the appellants provided a copy of the Settlement Statement associated with the sale of the subject which reiterated the purchase price, date of sale, and depicted broker's commission being deducted and paid out of the seller's proceeds. Based on this evidence, the appellants 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 \$337,450. The subject's assessment reflects a market value of \$1,013,972 or \$251.36 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 appellants' evidence, the board of review through the assessor's office submitted a memorandum noting that the 2018 value reflects the 2017 sale price plus the 3.83% county equalization factor.

In support of the assessment, the board of review submitted information and property record cards on three comparable sales located in the same neighborhood code as the subject property. The comparables have lots ranging in size from 14,336 to 36,993 square feet of land area and are improved with 2-story dwellings of frame, masonry, or frame and masonry exterior construction ranging in size from 3,916 to 4,045 square feet of living area. The dwellings were constructed from 1924 to 1952. Each comparable features a partially finished basement, central air-conditioning, one or two fireplaces, and a garage ranging in size from 400 to 576 square feet of building area. The comparables sold from September 2016 to August 2018 for prices ranging from \$965,000 to \$1,385,000 or from \$246.42 to \$348.78 per square foot of living area, including land. Based on this evidence, 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 July 2017 for a price of \$975,000. 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 13 days. In further support of the transaction, the appellants submitted a copy of the Settlement Statement associated with the sale

of the subject which reiterated the purchase price, date of sale, and depicted broker's commission being paid out of the seller's proceeds. Furthermore, there is no evidence in the record to suggest the presence of duress on either party. Therefore, the Board finds that the subject's sale had the elements of an arm's length transaction.

The Illinois Supreme Court has held that 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). 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). The Property Tax Appeal Board finds that the three 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. In particular, board of review comparable sale #1 has a lot size that is more than three times larger than that of the subject's lot; board of review comparable #2 sold in September 2016, a date too remote in time relative to the subject's January 1, 2017 assessment date to accurately reflect the subject's market value as of the assessment date; and board of review comparable #3 was built in 1952 and is newer in age relative to the subject which was built in 1898. For these reasons, the board of review comparables were given less weight. The subject's assessment reflects an estimated market value of \$1,013,972 which is more than its recent sale price of \$975,000.

The Board further finds that the board of review did not dispute that the July 2017 sale was an arm's-length transaction and determined the purchase price was sufficient to reduce the subject's assessment to reflect that transaction plus the application of the 2018 township equalization factor. However, the Property Tax Appeal Board finds the argument by the board of review that the subject's 2017 sale price should be increased by 3.83% due to the Milton Township equalization factor of 1.0383 is unsupported and unpersuasive.

The Board takes judicial notice of the purpose of equalization factors as set forth in the Illinois Department of Revenue publication, PTAX-1004, The Illinois Property Tax System, page 17, concerning how uniformity in assessments is achieved by applying equalization factors:

The assessment/sales ratio study shows **whether or not assessments within a given area actually average 33 1/3 percent of market value.** If the results of the study indicate that assessments are either higher or lower than 33 1/3 percent, a blanket percentage increase or decrease, called an "equalization factor" or "multiplier" is calculated and applied to all non-farm property to bring the level of assessment to 33 1/3 percent. The application of this uniform percentage increase or decrease to assessed values is called "equalization." [Emphasis added.]

Here, where the subject's sale occurred less than a year from the assessment date at issue of January 1, 2018 and the evidence failing to support that the sale price was no longer reflective of market value, based on this record, the Property Tax Appeal Board finds that the subject's 2018 assessment is not reflective of market value.

In conclusion, 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 to reflect the recent sale price 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:

February 16, 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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