



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

APPELLANT: Holly & John Work  
DOCKET NO.: 18-04241.001-R-1  
PARCEL NO.: 04-03-104-005

The parties of record before the Property Tax Appeal Board are Holly & John Work, 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:** \$22,480  
**IMPR.:** \$49,186  
**TOTAL:** \$71,666

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 1-story dwelling of frame exterior construction with 1,612 square feet of living area. The dwelling was constructed in 1955. Features of the home include a partially finished basement, central air conditioning, and a detached 2-car garage containing 560 square feet of building area.<sup>1</sup> The property is located in West Chicago, Winfield 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 May 3, 2017 from Robert Baker for a price of \$215,000. The appellants further reported that the parties to the transaction were not related, the property was sold through a

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<sup>1</sup> 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.

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 was originally listed in 2010 for a price of \$224,900 and had been on the market for 18 days after which it was taken off the market without being sold. 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 attorneys' fees being distributed to the buyer's and seller's attorneys. 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 \$81,280. The subject's assessment reflects a market value of \$244,231 or \$151.51 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 reply to the appellants' appeal, the board of review submitted a memorandum noting that in 2018, a patio was added to the home and a home improvement exemption was granted in the amount of \$2,510. (Exhibits #1 & #2). The board of review also argued that the appellants indicated that the property was listed for sale with a realtor, however, the Illinois Real Estate Transfer Declaration (PTAX-203) form submitted as Exhibit #3 indicates that the property was not listed or advertised for sale. Moreover, the board of review noted that the MLS data sheet relates to the listing in 2010, seven years prior to the sale. Finally, the Settlement Statement associated with the sale of the subject property in May 2017 does not reflect that a commission was paid to a realtor. Therefore, the board of review argued that the sale of subject property does not satisfy all the elements of an arm's-length transaction.

In support of the assessment, the board of review submitted information, property record cards, and Illinois Real Estate Transfer Declaration (PTAX-203) forms on four comparable sales located in the same neighborhood code as the subject property. The comparables have lots ranging in size from 33,656 to 52,454 and are improved with 1-story dwellings of frame exterior construction ranging in size from 1,550 to 1,872 square feet of living area. The dwellings were constructed from 1954 to 1972. Each comparable features an unfinished basement, central air-conditioning, and a garage ranging in size from 480 to 1,212 square feet of building area. Comparable #4 also features a fireplace. The comparables sold from March 2017 to June 2018 for prices ranging from \$280,000 to \$315,000 or from \$126.51 to \$182.19 per square foot of living area, including land.

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 May 2017 for a price of \$215,000. The appellants provided evidence demonstrating that the buyer and seller were not related, and there is no direct evidence the parties to the transaction were under duress or compelled to buy or sell. As to the exposure on the open market, the MLS data sheet depicts that the subject was originally listed on the open market in 2010 for a price of \$224,900 and was subsequently removed from the market without being sold. The Board finds that the fact that the property was originally listed for a price of \$224,900, which sets the upper limit of market value, and then subsequently sold for a price of \$215,000 lends credence to the conclusion that the subject's sale reflects market value. Finally, there is no evidence in the record that the parties to the transaction were under any duress; the instrument of transfer was a Warranty Deed; and this sale was not a short sale, nor was the subject bank-owned real estate (REO) to indicate involvement of duress. As to the board of review's argument that no realtor was utilized in the sale, the Board finds that each party was represented by counsel as noted on the Settlement Statement indicating that each party was informed.

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). In addition, Section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

The Property Tax Appeal Board finds that the subject's sale had the elements of an arm's length transaction based on the evidence in the record. The Board further 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 comparables submitted by the board of review had lot sizes that were more than double the size of the subject's lot and none of the comparables had a finished basement, dissimilar to the subject's finished basement, and were therefore given reduced weight. The subject's assessment reflects an estimated market value of \$244,231 which is more than its recent sale price of \$215,000. Therefore, 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:

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

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