



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

APPELLANT: Stephen & Lauren Heller
DOCKET NO.: 18-04780.001-R-1
PARCEL NO.: 05-11-303-005

The parties of record before the Property Tax Appeal Board are Stephen & Lauren Heller, the appellants; 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: \$50,830
IMPR.: \$95,830
TOTAL: \$146,660

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the 2018 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 one-story dwelling of frame exterior construction with 1,433 square feet of living area.¹ The dwelling was constructed in 1922. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a 400 square foot two-car detached garage. The property has a 7,857 square foot site and is located in Glen Ellyn, Milton Township, DuPage County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on August 30, 2016 for a price of \$440,000; the sale was not a transfer between related parties; the property was sold by a realtor and advertised for sale through the Multiple Listing Service for one day. A copy of the

¹ The parties differ as to the size of the subject. The Board finds the best evidence of size was the schematic drawing with dimensions and calculations of the subject contained in the appellant's appraisal.

Settlement Statement was filed that confirmed the sale date, purchase price and that broker's fees were paid.

The appellants also submitted an appraisal report with an estimated market value of \$440,000 as of August 9, 2016. The appraisal was prepared by Jennifer L. Malec, a State of Illinois Certified Residential Real Estate Appraiser. The property rights appraised were fee simple and the appraisal was performed in connection with a purchase transaction. In estimating the subject's market value, the appraiser utilized three comparable sales located within .60 of a mile from the subject and have varying degrees of similarity to the subject in design, dwelling size, age and features. The comparables sold from September 2015 to March 2016 for prices ranging from \$428,000 to \$570,000 or from \$255.15 to \$296.81 per square foot of living area, including land.

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 \$150,100. The subject's assessment reflects a market value of \$451,022 or \$314.74 per square foot of living area, land included, when using 1,433 square feet of living area and 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 noted the subject was purchased in August 2016 for \$440,000 and that the assessment in 2018 is currently 5.37% below the 2016 sale price of the subject plus the application of the 2017 and 2018 equalization factors of 1.416% and 1.383%, respectively. As part of its submission, the board of review provided a copy of the "Assessment Details" form related to the subject property for the 2017 and 2018 assessment years, 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, the board of review requested confirmation of the subject's assessment.

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 and only evidence of market value to be the purchase of the subject property in August 2016 for a price of \$440,000. 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 and the property had been advertised on the open market with the Multiple Listing Service for 1 day. In further support of the transaction the appellants submitted a copy of the Settlement Statement and an appraisal of the subject property. In addition, the board of

review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration confirming the sale price and that the property was advertised for sale.

On this limited record, the Board finds the purchase price of \$440,000 is below the subject's current market value of \$451,022 as reflected by the assessment of \$150,100. The Property Tax Appeal Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The Board also finds the board of review did not provide any market value evidence supporting the subject's current estimated market value of \$451,022 as reflected by the 2018 assessment. Based on this record the Board finds a reduction in the subject's assessment to reflect the sale price is warranted.²

² The assessment amount has been rounded to the in accordance with the DuPage County's assessment practices.

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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