



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

APPELLANT: Nikki and Benjamin Peterselli
DOCKET NO.: 19-03222.001-R-1
PARCEL NO.: 05-11-105-003

The parties of record before the Property Tax Appeal Board are Nikki and Benjamin Peterselli, 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: \$76,580
IMPR.: \$50,400
TOTAL: \$126,980

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 2019 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 two-story dwelling of frame exterior construction with 2,095 square feet of living area.¹ The dwelling was constructed in 1908. Features of the home include an unfinished basement, central air conditioning, two fireplaces, a one-car detached garage with 308 square feet of building area and a two-car detached garage with 400 square feet of building area. The property has a 17,071 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 completed Section IV – Recent Sale Data of the appeal petition and submitted evidence disclosing the subject property was purchased on November 9, 2018 for a price of \$384,900.

¹ The Board finds the best description of the subject property is found in the property record card provided by the board of review, which contains a schematic diagram and dimensions of the subject's improvements.

The appellants identified the seller as Kent Gladish and indicated the parties were not related. The appellants further disclosed the property was sold by a realtor and the property had been advertised in the Multiple Listing Service (MLS) for a period of 1/232 days. To document the transaction the appellants submitted a copy of the MLS listing sheet and a copy of the settlement statement reiterating the sale date and price which also depicted commissions being issued to one realty agency as part of the transaction. 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 \$136,173. The subject's assessment reflects a market value of \$412,771 or \$197.03 per square foot of living area, land included, when using the 2019 three-year average median level of assessment for DuPage County of 32.99% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data from the township assessor's office. The township assessor agreed that the appellants purchased the home in November 2018 for \$384,000. (Exhibit #1 is a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the transaction depicting a purchase price of \$384,900.) The township assessor reported that the subject's 2019 assessment is the 2018 sale price plus the 2019 equalization factor of 6.05%, which was applied by the DuPage County Supervisor of Assessments. The assessor asserted that the subject's 2019 assessment was confirmed by the DuPage County Board of Review.

In support of its contention of the correct assessment, the board of review through the township assessor submitted a grid analysis and property record cards of the subject and four comparable sales located from .07 to .42 of a mile from the subject property. The assessor provided a map which depicts the locations of the comparables in relation to the subject. The comparables have sites that range in size from 8,024 to 16,455 square feet of land area. The comparables are improved with 1.5-story or 2-story dwellings of frame or frame and masonry exterior construction ranging in size from 1,632 to 2,579 square feet of living area. The dwellings were built from 1924 to 1930. Each comparable has a basement with finished area, central air conditioning, one or two fireplaces and a two-car garage that ranges in size from 441 to 528 square feet of building area. The comparables sold from June 2016 to June 2019 for prices ranging from \$365,000 to \$782,500 or from \$223.65 to \$303.41 per square foot of living area, including land.

Based on this evidence and argument, 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 evidence of market value to be the purchase of the subject property in November 2018 for a price of \$384,900. 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, the property had been advertised on the open market in the Multiple Listing Service and it had been on the market for 1/232 days. In further support of the transaction the appellant submitted a copy of the settlement statement and the MLS listing sheet. The 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 further finds the four comparable sales provided by the board of review do not overcome the weight of the subject's arm's length transaction. Moreover, the Board finds three of the comparables have dated 2016 and 2017 sales. 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). 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 Board further finds the board of review agreed that the subject was purchased in November 2018 and determined the purchase price was sufficient to reduce the subject's assessment to reflect that transaction plus the 2019 township equalization factor. However, the Property Tax Appeal Board finds the argument by the board of review that the subject's 2018 sale price should be increased by 6.05% due to the Milton Township equalization factor of 1.0605 is unsupported, unpersuasive and not supported by law. The Board finds the subject property sold approximately one month prior to the assessment date and by applying the 2019 equalization factor caused the subject's assessment to be excessive and not reflective of fair cash value.

Based on this record the Board finds the subject property had a market value of \$384,900 as of January 1, 2019. Since market value has been determined the 2019 three-year average median level of assessment for DuPage County of 32.99% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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 18, 2022



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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