



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

APPELLANT: Nicholas Taranu
DOCKET NO.: 19-03224.001-R-1
PARCEL NO.: 04-11-204-005

The parties of record before the Property Tax Appeal Board are Nicholas Taranu, the appellant, 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: \$39,280
IMPR.: \$86,920
TOTAL: \$126,200

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 2,576 square feet of living area.¹ The dwelling was constructed in 1969. Features of the home include a basement with finished area, central air conditioning, three fireplaces and a 672 square foot garage. The property has a 17,071 square foot site and is located in West Chicago, Winfield Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant completed Section IV – Recent Sale Data of the appeal petition and submitted evidence disclosing the subject property was purchased on July 3, 2019 for a price of \$265,290. The appellant identified the seller as Glenn Mueller and indicated the parties were not related. The appellant further disclosed the property was sold by the owner. The appellant reported that the

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.

property was not advertised for sale. To document the transaction the appellant submitted a copy of the settlement statement reiterating the sale date and price. Based on this evidence, the appellant 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 \$132,310. The subject's assessment reflects a market value of \$401,061 or \$155.69 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 asserting that the subject property was not listed for sale and that the sale was between related individuals or corporate affiliates. The board of review argued that the sale of the subject property does not meet the requirements for an arm's length sale, therefore, this particular sale is not a good indicator of market value. In support of this claim, the board of review provided a copy of the PTAX-203 Real Estate Transfer Declaration associated with the sale of the subject property which disclosed the property was not advertised for sale and that the sale was between related parties.

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 three comparable sales. The comparables are located within the same assessment neighborhood code as the subject. The comparables have sites that range in size from 20,231 to 43,252 square feet of land area. The comparables are improved with two-story dwellings of frame and brick exterior construction ranging in size from 2,155 to 2,478 square feet of living area. The dwellings were built from 1969 to 1996. Each comparable has a basement, two of which have finished area. The property record cards disclosed that each comparable has central air conditioning, a fireplace and a garage that ranges in size from 441 to 483 square feet of building area. The comparables sold from April 2018 to May 2019 for prices ranging from \$344,500 to \$386,000 or from \$141.25 to \$160.09 per square foot of living area, including land. Included with the submission is a map depicting the location of the comparables in relation to the subject, along with the real estate transfer declarations associated with each comparable sale.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends 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 a reduction in the subject's assessment is warranted based on the evidence in the record.

The appellant based this appeal on a recent sale of the subject property in July 2019 for a price of \$265,290. However, the Board questions the arm's length nature of the transaction as the

appellant disclosed the property was not advertised for sale, which calls into question the arms-length nature of the transaction. Furthermore, the board of review provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject property that disclosed the property was not advertised for sale and the sale was between related parties, which was unrefuted by the appellant. Therefore, the Board gives little weight to the subject's July 2019 sale due to the fact the sale did not have the elements of an arm's length transaction and is not considered indicative of fair market value.

The Board of review provided three comparable sales for the Board's consideration. The Board gives less weight to board of review comparable #3 as the dwelling is significantly newer in age than the subject dwelling.

The board finds the best evidence of market value in the record to be board of review comparable sales #1 and #2. Despite the fact that these comparables have considerably larger site sizes than the subject, they are relatively similar to the subject in location, dwelling size, design, age and some features. These properties sold in May and March 2019 for prices of \$344,500 and \$386,000 or for \$141.25 and \$155.77 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$401,061 or \$155.69 per square foot of living area, including land, which is greater than the two best comparable sales in the record in terms of overall market and slightly below board of review comparable #2 which has the highest price per square foot value. However, after considering the subject's smaller site size and adjustments to the comparables for other differences from the subject, the Board finds the subject's assessment is excessive and a reduction in the subject's assessment is warranted.

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

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