



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

APPELLANT: Pedro Ramos
DOCKET NO.: 19-03226.001-R-1
PARCEL NO.: 03-17-319-013

The parties of record before the Property Tax Appeal Board are Pedro Ramos, 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: \$52,650
IMPR.: \$104,050
TOTAL: \$156,700

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 brick and frame exterior construction with 4,024 square feet of living area.¹ The dwelling was constructed in 1988. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 585 square foot garage. The property has an 11,529 square foot site and is located in Addison, Addison 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 August 26, 2019 for a price of \$475,000. The appellant identified the seller as Shirley Kraft and indicated the parties were not related. The appellant further disclosed the property was sold by a realtor and the property had been

¹ The parties differ as to the age and size of the subject dwelling. The Board finds the best evidence of age and dwelling size is found in the subject's property record card provided by the board of review.

advertised in the Multiple Listing Service (MLS) for a period of 5 days. To document the transaction the appellant submitted a copy of the MLS listing sheet which disclosed the subject property was originally listed on June 14, 2019 for a price of \$479,900 and subsequently sold on August 26, 2019 for a price of \$475,000. The appellant also provided a copy of the last page of a settlement statement purportedly associated with the purchase of the subject property. 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 \$175,750. The subject's assessment reflects a market value of \$532,737 or \$132.39 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 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 six comparable sales, one of which is located within the same assessment neighborhood code as the subject.² The assessor also provided a map that shows the locations of the comparables in relation to the subject property. The comparables have sites that range in size from 8,400 to 18,130 square feet of land area. The comparables are improved with two-story dwellings of brick or brick and frame exterior construction ranging in size from 3,206 to 3,885 square feet of living area. The comparables were built from 1988 to 1991. Each comparable has a basement, two of which have finished area. The comparables each have central air conditioning, one or two fireplaces and a garage that ranges in size from 576 to 731 square feet of building area. The comparables sold from February 2016 to October 2018 for prices ranging from \$400,000 to \$710,000 or from \$124.15 to \$188.53 per square foot of living area, including land.

With respect to the appellant's evidence, the assessor argued that the appellant did not supply any comparable properties. The only evidence submitted by the appellant was the last page of the settlement statement for the August 26, 2019 purchase and the MLS listing sheet which show this property was on the market for only 5 days prior to going under contract.

Based on this evidence, 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 the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

² The assessor noted that there was only one sale of a two-story home within the subject's neighborhood code from 2016 to 2018.

The Board finds the best evidence of market value to be the purchase of the subject property in August 2019 for a price of \$475,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant 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 5 days. In further support of the transaction the appellant submitted a copy of the MLS listing sheet which disclosed the subject property was originally listed on June 14, 2019 for a price of \$479,900 and subsequently sold on August 26, 2019 for a price of \$475,000. 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 six 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 and four of the comparables have considerably smaller dwelling sizes when compared to the subject. 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 finds the subject's purchase price of \$475,000 is below the market value reflected by the assessment of \$532,737.

Based on this record the Board finds the subject property had a market value of \$475,000 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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