



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

APPELLANT: Daniel Castady
DOCKET NO.: 19-08972.001-R-1
PARCEL NO.: 08-07-314-010

The parties of record before the Property Tax Appeal Board are Daniel Castady, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich, 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: \$60,380
IMPR.: \$20,120
TOTAL: \$80,500

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 1.5-story dwelling of brick and vinyl siding exterior construction with 1,296 square feet of living area. The dwelling was constructed in 1955. Features of the home include an unfinished basement, a fireplace, and a 220 square foot garage.¹ The property has a 7,406 square foot site and is located in Naperville, Lisle Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on March 27, 2018 for a price of \$244,000. The appellant completed Section IV – Recent Sales Data of the Residential Appeal petition stating that the sale was not a transaction between related parties, the subject property was sold through a realtor, and the subject property was advertised for sale through the Multiple

¹ Additional details of the subject property not provided by the appellant are taken from the grid analysis presented by the board of review.

Listing Service. The appellant submitted an ALTA Settlement Statement showing a purchase price of \$244,000 and payment of a commission, and an MLS listing sheet for the subject property showing it was listed for sale under the most recent listing for approximately 1 day from the March 4, 2018 list date to the March 4, 2018 contract date. The MLS listing described the subject property as a “diamond in the rough.”

The appellant also submitted a brief arguing that a recent sale is the best evidence of market value for assessment purposes.

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 \$115,180. The subject's assessment reflects a market value of \$349,136 or \$269.40 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 submitted information on three comparable sales and a map depicting the locations of the comparables in relation to the subject property. The comparables are located from 0.07 to 0.66 of a mile from the subject property and within the same assessment neighborhood code as the subject property. The parcels range in size from 7,247 to 7,437 square feet of land area and are improved with 1.5-story homes of brick or frame exterior construction ranging in size from 1,517 to 1,683 square feet of living area. The dwellings were built from 1927 to 1954. The homes each have a basement, one of which has finished area, and a garage ranging in size from 320 to 440 square feet of building area. Two of the homes each have central air conditioning. The comparables sold from May 2018 to June 2018 for prices ranging from \$411,500 to \$425,000 or from \$252.53 to \$271.26 per square foot of living area, including land.

Based upon this evidence, the board of review requested confirmation of the subject property’s assessment.

In written rebuttal, the appellant argued that the board of review did not challenge the recent sale of the subject property and that such sale should be given the most weight in determining the subject’s assessment. In support of such contention, the appellant submitted copies of sections of the Property Tax Code and the rules of the Property Tax Appeal Board and a copy of a 2017 decision of the Board pertaining to consideration of the sale of a property “out of foreclosure” in that case.

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.

The Board finds the best evidence of market value to be the purchase of the subject property in March 2018 for a price of \$244,000. 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 through the Multiple Listing Service, even though it had only been on the market for approximately 1 day. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. 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. Although the board of review provided three comparable sales, this evidence did not refute the arm's length nature of the transaction. Additionally, the subject's lower purchase price relative to these sales may be justified due the subject's condition as described in the MLS listing as a "diamond in the rough." Based on this record the Board finds the subject property had a market value of \$244,000 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: March 15, 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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