



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

APPELLANT: Anibal Magana
DOCKET NO.: 20-07850.001-R-1
PARCEL NO.: 03-05-405-033

The parties of record before the Property Tax Appeal Board are Anibal Magana, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; 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: \$63,170
IMPR.: \$148,920
TOTAL: \$212,090

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2020 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 exterior construction with 4,399 square feet of living area. The dwelling was constructed in 2002. Features of the home include a basement, central air conditioning, a fireplace and a three-car garage with 666 square feet of building area. The property has a 17,125 square foot site and is located in Itasca, Addison 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 October 20, 2020 for a price of \$635,000 or \$144.35 per square foot of living area, including land. The appellant's counsel reported that the subject property was purchased from Akhilesh and Asha Patel, the parties to the transaction were not related, the property was advertised using a realtor and the

property had been on the market for 13 days.¹ To document the transaction the appellant submitted a copy of the Multiple Listing Service (MLS) listing sheet and a copy of the Settlement Statement reflecting the purchase price and the date of sale. The Settlement Statement also disclosed that commissions were paid to one realty agency. 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 \$252,070. The subject's assessment reflects a market value of \$754,701 or \$171.56 per square foot of living area, land included, when using the 2020 three-year average median level of assessment for DuPage County of 33.40% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a grid analysis with assessment information regarding the subject and seven comparable properties prepared by the township assessor. The assessor also provided sales data for comparables #1 through #3. Since only equity data was provided for comparables #4 through #7, which does not address the appellant's overvaluation argument, these four comparables will not be further addressed in the analysis. The assessor contends that the subject was purchased on October 30, 2020 which is almost 11 months after the January 1, 2021[sic] lien date at issue. The assessor's office indicated that they "would be happy to review the subject's purchase price for the 2021 assessment year."

In support of its contention of the correct assessment, the board of review, through the township assessor's office, submitted information on three comparable sales that have the same assessment neighborhood code as the subject property. The comparables have sites that range in size from 17,010 to 40,000 square feet of land area. The comparables are improved with two-story dwellings of frame or frame and brick exterior construction ranging in size from 3,240 to 4,687 square feet of living area. The dwellings were built from 1995 to 2019. Each comparable has a basement, central air conditioning, a fireplace and a garage ranging in size from 675 to 804 square feet of building area. The comparables sold from July 2017 to May 2019 for prices ranging from \$650,000 to \$899,900 or from \$192.00 to \$231.69 per square foot of living area, land included. 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.

¹ The appellant reported the subject property had been on the market for 89 days. However, the Multiple Listing Service listing sheet depicts the subject property was originally listed on September 11, 2020 for a price of \$699,900 and was taken off the market on September 23, 2020, indicating the property had been on the market for 13 days.

The Board finds the best evidence of market value to be the purchase of the subject property in October 2020 for a price of \$635,000. 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 and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction, the appellant submitted a copy of the MLS sheet indicating that the subject had been on the market for 13 days. Additionally, a copy of the Settlement Statement submitted by the appellant depicts commissions were paid to one realty agency. The Board finds the purchase price of \$635,000 is below the subject's estimated market value of \$754,701 as reflected by the assessment. On this record, the Board finds the board of review did not adequately 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. A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983). The Property Tax Appeal Board has given less weight to the board of review comparable sales due to differences from the subject in age, dwelling size and/or their sale date occurred 29 months prior to the lien date at issue. Moreover, the board of review's three comparable sales do not overcome the subject's arm's length sale transaction. Based on this record the Board finds the subject property had a market value of \$635,000 as of January 1, 2020. Since market value has been determined the 2020 three-year average median level of assessment for DuPage County of 33.40% shall apply, subject to the rounding policy to the nearest \$10 increment employed by DuPage County. 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: June 27, 2023



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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