



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

APPELLANT: Christopher & Julie Napleton
DOCKET NO.: 20-07922.001-R-2
PARCEL NO.: 09-13-405-023

The parties of record before the Property Tax Appeal Board are Christopher & Julie Napleton, the appellants, by attorney Megan Steigauf, of James J. Roche & Associates in Hinsdale; and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** 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: \$201,410
IMPR.: \$452,600
TOTAL: \$654,010

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 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 frame and brick exterior construction with 7,323 square feet of living area. The dwelling was constructed in 1998. Features of the home include a basement with finished area, central air conditioning, two fireplaces and a garage with 1,012 square feet of building area. The property has an approximately 40,690 square foot site and is located in Burr Ridge, Downers Grove Township, DuPage County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on April 23, 2020 for a price of \$1,425,000. The appellants completed Section IV – Recent Sale Data disclosing the transaction was between family members or related corporations, that the subject was sold with help from a Realtor and was advertised in the Multiple Listing Service (MLS) for a period of two years. The appellants submitted a copy of the subject's settlement statement which reiterated the

sale date and sale price. No commission payments to real estate agents were disclosed in the settlement statement. The appellants submitted a copy of the Residential Real Estate Contract and the PTAX-203 Real Estate Transfer Declaration associated with the subject's sale. The PTAX-203 disclosed the subject property had not been advertised for sale and that the sale was between related individuals or corporate affiliates.

In a cover letter, the appellants' attorney explained the subject property was originally listed for sale in May 2018 in the MLS. After approximately two years on the market and numerous price reductions, the subject was sold to a nephew of the owner. The Board notes the appellants' evidence did not include a copy of the MLS listing or any listing history for the subject property. Based on this evidence, the appellants requested the subject's assessment be reduced 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 \$654,010 which reflects a market value of \$1,958,114 or \$267.39 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 support of its contention of the correct assessment the board of review submitted information on three comparable sales located within 0.44 of a mile from the subject property. The comparables have sites that range in size from 17,815 to 37,263 square feet of land area and are improved with two-story or three-story dwellings that range in size from 5,258 to 5,706 square feet of living area. The homes were built from 1997 to 2004. Each comparable has a basement with finished area, central air conditioning, two or five fireplaces and a garage ranging in size from 704 to 1,325 square feet of building area. The properties sold from May 2018 to June 2019 for prices ranging from \$1,580,000 to \$1,640,000 or from \$276.90 to \$303.82 per square foot of living area, land included.

The board of review submitted comments noting the subject's April 23, 2020 sale was between related parties as evidenced by the attorney's letter and the PTAX-203 submitted by the appellants. The board of review further commented that the subject is "one of the larger homes." Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review which have varying degrees of similarity to the subject in location, age, design and dwelling size but reflect arm's length transactions in contrast to the subject's sale transaction between related family members. These properties sold from May

2018 to June 2019 for prices ranging from \$1,580,000 to \$1,640,000 or from \$276.90 to 303.82 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,958,114 or \$267.39 per square foot of living area, including land, which falls above the range established by the best comparable sales in this record on an overall market value basis and below the range on a per square foot basis. Accepted real estate theory provides that, all things being equal, as the size of a property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. Therefore, given the subject's substantially larger dwelling size and larger site size, when compared to the best comparables in the record, a higher overall market value and lower per square foot value appear logical.

The Board gives little weight to the subject's April 23, 2020 sale price as the sale occurred between related family members and, therefore, does not meet all of the elements of an arm's length transaction. Furthermore, the appellants did not submit any listing information for the subject property, which would put the subject's April 2020 sale price into context, relative to the asking price when the subject property was listed on the open market. Based on this record the Board finds a reduction in the subject's assessment is not justified.

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:

July 18, 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

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