



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

APPELLANT: Jatin & Manu Patel
DOCKET NO.: 20-08493.001-R-1
PARCEL NO.: 03-22-206-208

The parties of record before the Property Tax Appeal Board are Jatin & Manu Patel, the appellants, 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: \$44,170
IMPR.: \$122,830
TOTAL: \$167,000

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 brick exterior construction with 3,936 square feet of living area. The dwelling was constructed in 1993. Features of the home include a basement with finished area, central air conditioning, one fireplace and an 869 square foot garage. The property has an irregularly shaped lot with approximately 18,379 square feet of land area and is located in Wood Dale, Addison 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 January 18, 2019 for a price of \$500,000. The appellants completed Section IV – Recent Sale Data disclosing the transaction was not 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). The appellants submitted the subject's MLS sheet which disclosed the subject had a marketing period

of 277 days. The settlement statement submitted by the appellants reported commission paid to real estate agents. 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 \$174,980 which reflects a market value of \$523,892 or \$133.10 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 in the same assessment neighborhood code as the subject property. The comparables have sites that range in size from 10,000 to 14,363 square feet of land area and are improved with two-story dwellings of brick or brick and frame exterior construction that range in size from 3,417 to 3,873 square feet of living area. The homes were built from 1992 to 1995. Each comparable has an unfinished basement, central air conditioning, one fireplace and a garage ranging in size from 576 to 995 square feet of building area. The properties sold from February to October 2019 for prices ranging from \$440,000 to \$515,000 or from \$113.61 to \$146.03 per square foot of living area, land included.

The board of review also submitted a Parcel History Report on the subject along with comments in its grid analysis. It stated the subject's 2019 total assessment was reduced to reflect the purchase price for the 2019 tax year. For the subject's 2020 assessment, the board of review applied the 1.0400 Addison Township equalization factor "plus property improvements made after the purchase." The Parcel History Report disclosed the subject's 2019 total assessment reflected the subject's January 2019 purchase price. The report also disclosed a permit for a new roof which was dated March 2021, after the assessment date at issue, with no amount. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellants' attorney argued the board of review did not dispute the recent sale of the subject property nor provide any evidence that the sale lacked the elements of an arm's length transaction. Counsel contended that the board of review's comparable sales evidence was neither responsive nor relevant to the basis of the appellants' appeal and should therefore be given no weight and argued that the recent sale price of the subject property is the best evidence of fair market value.

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) [emphasis added] The Board finds the evidence in the record indicates a reduction in the subject's assessment is warranted.

As an initial matter, the Board finds that the basis of the appellants' appeal is overvaluation or a market value argument with a recent sale of the subject property submitted as evidence to support the overvaluation claim. The Board further finds that comparable market value sales

evidence is responsive and relevant to the overvaluation argument as potentially “opposing or contradictory” market value data and, therefore, the board of review’s comparable sales shall be considered.

The appellants submitted evidence documenting a January 2019 sale of the subject property while the board of review submitted three comparable sales for the Board’s consideration.

The Board finds the best evidence of market value to be the purchase of the subject property in January 2019 for a price of \$500,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants 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 had been advertised in the Multiple Listing Service. The appellants submitted a copy of the MLS sheet indicating the subject had been actively marketed for a period of 277 days. In further support of the transaction the appellants submitted a copy of the settlement statement which disclosed that commissions were paid to real estate professionals. The Board finds the board of review did not present any evidence challenging the arm’s length nature of the transaction and that its comparable sales evidence does not overcome the recent sale evidence of the subject property. The Board finds the purchase price is below the market value reflected by the assessment. Based on this record the Board finds the subject property had a market value of \$500,000 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. 86 Ill.Admin.Code §1910.50(c)(1).

The Illinois Supreme Court has held that 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 of whether the assessment is reflective of market value. Korzen v. Belt Railway co. of Chicago, 37 Ill.2d 158 (1967)

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:

May 16, 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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