



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

APPELLANT: Logan Bruce  
DOCKET NO.: 20-08552.001-R-1  
PARCEL NO.: 01-33-410-017

The parties of record before the Property Tax Appeal Board are Logan Bruce, the appellant; 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:** \$ 29,630  
**IMPR.:** \$ 85,640  
**TOTAL:** \$115,270

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 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 is improved with a two-story dwelling of brick and frame exterior construction containing 2,490 square feet of living area. The dwelling was built in 1994. Features of the home include a full basement that is 50% finished, central air conditioning, a fireplace, and an attached garage with 450 square feet of building area. The property has a 12,024 square foot site and is located in West Chicago, Wayne Township, DuPage County.

The appellant's appeal is based on the claim of overvaluation. The subject's land assessment was not challenged. In support of the overvaluation argument, the appellant indicated the subject property sold in December 2019 for \$313,000 or \$125.70 per square foot of living area including land. The appellant completed section IV of the appeal petition disclosing the sale did not involve a transfer between related family or corporations; the property sold by owner; and the property was not advertised for sale on the open market. The appellant submitted a copy of the settlement statement and sales contract associated with the sale of the subject property as

evidence of its sale price. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$115,270. The subject's assessment reflects an estimated market value of \$345,120 or \$138.60 per square foot of living area including land when applying DuPage County's 2020 three-year average median level of assessment of 33.40% as determined by the Illinois Department of Revenue.

Regarding the subject's purchase, the board of review argued the sale does not meet the criteria of an arm's-length transaction because it was not advertised for sale. The board of review submitted a copy of the Real Estate Transfer Declaration associated with the sale indicating the subject property was not advertised for sale.

In support of the subject's assessment, the board of review submitted a grid analysis of six comparables located in close proximity to the subject. The properties are improved with two-story dwellings of brick and frame or brick and stone exterior construction ranging in size from 2,360 to 2,586 square feet of living area that are situated on sites that contain from 12,299 to 19,258 square feet of land area. The homes were built from 1994 to 1999. The comparables have full or partial basements that are from 15% to 86% finished. Other features include central air conditioning, a fireplace and an attached garage ranging in size from 424 to 768 square feet of building area. The comparables sold from September 2018 to October 2019 for prices ranging from \$331,000 to \$400,000 or from \$130.51 to \$156.80 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment remain the same

### **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). National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter, the Property Tax Appeal Board finds the subject's sale does not meet one of the fundamental elements of an arm's-length transaction. The Board finds the appellant indicated the subject sold by owner and the property was not advertised or exposed for sale on the open market. The board of review also submitted a copy of the Real Estate Transfer Declaration associated with the sale indicating the subject property was not advertised for sale. Therefore, the Board gave little weight to the sale of the subject property as the sale does not meet the elements of an arm's-length to be considered indicative of fair market value.

Section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

Similarly, Illinois Courts has stated fair cash value is synonymous with fair market value and is defined as the price a willing buyer would pay a willing seller for the subject property, there being no collusion and neither party being under any compulsion. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428, 256 (1970) and Ellsworth Grain Company v Property Tax Appeal Board, 172 Ill.App.3d 552, 526 (4<sup>th</sup> Dist. 1988). Although the appellant's evidence indicates the subject's transaction was between a willing buyer and seller, the Board finds the property was not advertised for sale on the open market and is not typical of the due course of business and trade. Thus, the general public did not have the opportunity to purchase the subject property at any negotiated sale price.

The Board finds there are other credible sources that specify a property must be advertised for sale in the open market to be considered an arm's-length transaction that is indicative of fair market value. The Dictionary of Real Estate Appraisal [American Institute of Real Estate Appraisers, *The Appraisal of Real Estate*, 8<sup>th</sup> ed. (Chicago American Institute of Real Estate Appraisers, 1983), 33], provides in pertinent part: The most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell **in a competitive market** under all conditions requisite to fair sale; The property is **exposed for a reasonable time on the open market**. Additionally, the Property Assessment Valuation, 2<sup>nd</sup> edition, states: Market value is the most probable price, expressed in terms of money, that a property would bring if **exposed for sale in the open market** in an arm's-length transaction between a willing seller and a willing buyer; a reasonable time is allowed for **exposure to the open market**. International Association of Assessing Officers, Property Assessment Valuation, 2<sup>nd</sup> edition, Pgs. 18, 35, (1996). Since the appellant made an admission that the subject property was not advertised for sale or exposed to the open market to be considered an arm's-length transaction, the Board gave little weight to the subject's transaction for market value consideration.

The board of review submitted information on six suggested comparable sales. The Board finds the comparables submitted by the board of review are similar to the subject in location, land area, design, age, dwelling size and features. These comparables sold from September 2018 to October 2019 for prices ranging from \$331,000 to \$400,000 or from \$130.51 to \$156.80 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$345,120 or \$138.60 per square foot of living area including land, which falls at the lower end of the range established by the most similar comparable sales contained in this record. The Board further finds these comparable sales demonstrate the subject's sale price of \$313,000 or \$125.70 per square foot of living area including land, which falls below range of the similar comparable sales in this record, was not an arm's-length transaction reflective of fair market value. Based on this analysis, the Board finds the assessment of the subject property as established by the board of review is correct and no reduction is warranted based on a preponderance of the most credible market value evidence contained in the record.

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:

November 22, 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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