



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

APPELLANT: Israel Jonathan
DOCKET NO.: 21-07010.001-R-1
PARCEL NO.: 05-14-123-005

The parties of record before the Property Tax Appeal Board are Israel Jonathan, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest, 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: \$35,250
IMPR.: \$297,580
TOTAL: \$332,830

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 2021 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 9,763 square foot site improved with a 2.5-story dwelling of frame construction containing 4,241 square feet of living area. The dwelling was built in 2005. Features of the home include a basement that is partially finished, central air conditioning, two fireplaces, 4½ bathrooms, and a detached two-car garage with 616 square feet of building area. The property is in Glen Ellyn, Milton 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 July 27, 2020, for a price of \$885,000. The appellant completed Section IV – Recent Sale Data of the appeal identifying the seller as Cornerstone Relocation Group, LLC and indicated the parties to the transaction were not related. The appellant further disclosed the property was sold through a realtor, Baird and Warner, and had been advertised in the Multiple Listing Service (MLS) for 209 days. To

document the sale the appellant submitted a copy of the closing statement, a copy of the MLS listing, and a copy of the Listing & Property History Report for the subject property. The Listing & Property History Report disclosed the property was initially listed on October 28, 2019, and was subsequently listed again on April 1, 2020, and April 8, 2020. 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 \$354,140. The subject's assessment reflects a market value of \$1,059,348 or \$249.79 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for DuPage County of 33.43% as determined by the Illinois Department of Revenue.

The board of review asserted the sale of the subject property was no longer included in the appellant's neighborhood's sales ratio study because subsequent to the purchase improvements to the home were made. In support of this statement the board of review submitted a listing of building permits (Exhibit #2) disclosing that on October 12, 2020, a permit in the amount of \$113,500 was issued to remodel the subject's kitchen and bathroom, and a second permit was issued on December 16, 2020, in the amount of \$44,000 to remodel the subject's basement. A copy of the subject's property record card was submitted disclosing that the remodeling of the kitchen and basement was listed as having an age of 2021.

In support of its contention of the correct assessment the board of review also submitted information on seven comparable sales improved with 2.0-story or 2.5-story dwellings of frame, masonry or frame and masonry construction that ranged in size from 3,656 to 4,820 square feet of living area. (Exhibit #1) The homes were built from 2002 to 2016. Each comparable has a basement with six having finished area, central air conditioning, one to three fireplaces, and garages ranging in size from 400 to 1,149 square feet of building area. The comparables have from three to five full bathrooms and five comparables have one or two ½-bathrooms. The comparables have the same assessment neighborhood code as the subject and sites ranging in size from 8,448 to 19,950 square feet of land area. The sales occurred from July 2018 to December 2020 for prices ranging from \$923,000 to \$1,895,000 or from \$252.07 to \$382.36 per square foot of living area, including land.¹ To document the descriptive information the board of review submitted copies of the property record card for the subject property and the comparables.

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 Exhibit #1 also included an assessment equity analysis, however, this evidence did not address the appellant's overvaluation argument and will not be further discussed.

The appellant's overvaluation argument is based on the sale of the subject in July 2020. The record disclosed that the subject property was purchased on July 27, 2020, for a price of \$885,000. A contemporaneous sale between parties dealing at arm's length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (Ill. 1967). 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 with the Multiple Listing Service and it had been on the market for 209 days. In further support of the transaction the appellant submitted a copy of the settlement statement, the listing, and the Listing & Property History Report for the subject. The board of review presented no evidence challenging the arm's length nature of the sale. Based on this record the Board finds the purchase price was reflective of the property's fair cash value at the time of closing.

The Board finds, however, the board of review provided evidence disclosing that after the purchase two building permits were issued for remodeling of the subject dwelling. One permit was issued on October 12, 2020, in the amount of \$113,500 to remodel the kitchen and bathroom. A second permit was issued on December 16, 2020, in the amount of \$44,000 to remodel the basement. The record was silent as to when the remodeling was complete, however, the Board finds it is reasonable to conclude that the remodeling associated with the October 12, 2020, permit was completed by January 1, 2021, while the remodeling associated with the December 16, 2020, permit was not completed by the assessment date at issue. Therefore, the Board finds the subject's fair case value as of the assessment data should be the sum of the purchase price of \$885,000 and the \$113,500 associated with the October 2020 building permit resulting in a total fair cash value of \$998,500. The subject's assessment reflects a market value of \$1,059,348 which is above the sum of the purchase price and the remodeling. Based on this record the Board finds the subject's assessment is not reflective of market value as of the assessment date and a reduction in the subject's assessment is 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:

December 19, 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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