



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

APPELLANT: Hector Hoyos
DOCKET NO.: 21-07377.001-R-1
PARCEL NO.: 03-36-130-002

The parties of record before the Property Tax Appeal Board are Hector Hoyos, 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 **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: \$44,380
IMPR.: \$73,820
TOTAL: \$118,200

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 parties appeared before the Property Tax Appeal Board on August 29, 2023 for a hearing at the DuPage Center in Wheaton pursuant to prior written notice dated June 8, 2023. Appearing before the Board was appellant, Hector Hoyos, and appearing on behalf of the DuPage County Board of Review was Donald Whistler, Member of the DuPage County Board of Review, along with the board of review's witness, Donna Castiglia, Senior Residential Appraiser for the Addison Township Assessor.

The subject property consists of a two-story dwelling of frame exterior construction with 2,080 square feet of living area. The dwelling was constructed in 1956 and is approximately 65 years old. Features of the home include an unfinished basement,¹ central air conditioning, and a 648

¹ At hearing the appellant explained that previously finished basement area had been demolished due to a flooding occurrence in February 2017 and that the basement is currently unfinished.

square foot garage. The property has an approximately 7,740 square foot site and is located in Elmhurst, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales including a grid analysis, Multiple Listing Service (MLS) sheets, information from an online real estate website together with evidence documenting the 2016 sale of the subject property.

The comparables are located from 0.20 of a mile to one mile from the subject property. The comparables have sites that range in size from 7,740 to 13,125 square feet of land area and are improved with two-story dwellings of frame or brick and frame exterior construction ranging in size from 1,728 to 2,121 square feet of living area. The dwellings ranged in age from 50 to 77 years old. Two comparables have a basement with one having finished area and two comparables have a crawl space foundation. Each dwelling has central air conditioning and a garage ranging in size from 236 to 504 square feet of building area. One comparable has a fireplace. The properties sold from November 2018 to August 2020 for prices ranging from \$217,500 to \$360,000 or from \$125.87 to \$195.02 per square foot of living area, land included.

The appellant submitted MLS sheets for his comparables #1, #2 and #4 and property details from an online realtor website for comparable #3. This information depicted comparable #1 as completely updated in 2014, comparable #2 as a "great opportunity to finish the rehab," comparable #3 as "opportunity to renovate," and comparable #4 to be "freshly painted, new siding and garage door in 2019."

With respect to the subject's 2016 purchase, the appellant completed Section IV – Recent Sale Data disclosing the subject property sold on September 30, 2016 from seller Fannie Mae. The subject property was not a sale between family members or related corporations, was sold with the help of a real estate professional and had been listed in the MLS for a period of 99 days. The appellant also submitted a copy of the settlement statement which reiterated the sale price, sale date and reported commissions paid to real estate agents.

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$115,000 which reflects a market value of \$345,035 or \$165.88 per square foot of living area, land included, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$132,100. The subject's assessment reflects a market value of \$395,154 or \$189.98 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.

In support of its contention of the correct assessment the board of review submitted a grid analysis with information on the appellant's four comparable sales and on five board of review

comparable sales.² The board of review, through the township assessor also submitted a copy of a 2019 signed stipulation agreement between the appellant and Addison Township, the PTAX-203 Real Estate Transfer Declaration associated with the subject's 2016 sale and property record cards for the subject and both parties' comparables.

Of the five comparable sales submitted by the board of review, two are located in the same assessment neighborhood code as the subject property. Board of review comparable #4 is the same property as the appellant's comparable #4, but with a different sale price.³ The comparables have sites that range in size from 6,250 to 8,250 square feet of land area and are improved with two-story dwellings of frame or brick and frame exterior construction ranging in size from 1,846 to 2,194 square feet of living area. The homes were built from 1946 to 1980. Four comparables have a basement with two having finished area,⁴ and one comparable has a crawl space foundation. Each dwelling has central air conditioning, one comparable has a fireplace and a four comparables are reported to have a garage ranging in size from 236 to 720 square feet of building area. The properties sold from May 2019 to October 2020 for prices ranging from \$360,000 to \$468,500 or from \$195.02 to \$215.90 per square foot of living area, land included.

Ms. Castiglia contended the appellant had signed a 2019 stipulation agreement and that the subject's 2021 total assessment was changed only by application of the 2020 and 2021 equalization factors for Addison Township of 1.0400 and 1.0440, respectively. Ms. Castiglia stated that Addison Township's sales ratio study for the subject's neighborhood consisted of 33 sales occurring from 2018 to 2020 and that the median assessment-to-sale price for those sales was 33.33% which she noted reflected the statutory level of assessment.

Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, Mr. Hoyos critiqued the board of review comparables, arguing the properties are not comparable to the subject property due to each being considerably more improved than the subject property. In support of this contention, the appellant submitted listing information with photographs of each of the board of review's comparables. The appellant explained the subject property had been a foreclosure purchase which had new carpet and paint at the time of purchase. Since the 2016 purchase the home's two bathrooms have been updated and the kitchen cabinets have been painted.

With respect to the 2019 stipulation agreement with Addison Township, Mr. Hoyos asserted he signed the agreement, although he disagreed with the assessment total. Mr. Hoyos contended he was told by staff with the township that if he did not sign the stipulation it would be "unfavorable" to him and as a result he felt that he had no choice at the time.

² The site size for appellant comparable #3 of 13,125 square feet of land area was obtained from the grid analysis submitted by the board of review. The board of review's grid analysis disclosed an August 2020 sale of the subject's comparable #2 for \$370,000 or \$214.12 per square foot of living area, land included.

³ The property record card for board of review comparable #4 reports two sales in May 2019, one for \$350,000 and one for \$360,000.

⁴ Multiple Listing Service and online website information submitted by the appellant disclosed finished basement area for board of review comparables #2 and #4 which was not reported in the board of review's grid analysis.

Additionally, Mr. Hoyos argued that comparables located in the E15 neighborhood are more desirable due to the presence of sidewalks and location in the Field and Sandburg schools. Lastly, the appellant contended the township displays a pattern of over assessing lower priced homes and under assessing higher priced homes. To support this contention, the appellant submitted sale prices and market values based on each property's 2021 assessments for eight properties in the subject's neighborhood.

Ms. Castiglia countered that Mr. Hoyos had also included a comparable sale from the E15 neighborhood, namely appellant comparable #3, which sold for \$520,000 in 2021. Mr. Hoyos explained that this property sold in August 2020 for \$276,500 in a similar condition as the subject which is why he included this as a comparable sale. The March 2021 subsequent sale of appellant comparable #3 reflects a completely updated property which the appellant argued is not a comparable to the subject due to its superior condition.

Upon questioning by the ALJ as to the appellant's over/under assessing contention, Ms. Castiglia reiterated the township's sales ratio study results for the subject's market, reasserting the fact that the median rate of assessment was equal to the statutory level for these 33 sales. Based on this evidence, the board of review concludes that assessments in the subject's neighborhood are in line with market values.

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.

As an initial matter, the Property Tax Appeal Board finds the appellant signed a 2019 stipulation agreement with the Addison Township Assessor and the subject's 2021 assessment reflects application of the township's 2020 and 2021 equalization factors. The Board further finds that this agreement between the appellant and Addison Township is not statutorily binding upon the Property Tax Appeal Board or upon the parties with regard to subsequent tax years. Therefore, the dictates of section 16-185 of the Property Tax Code are not controlling in this appeal and the Board shall analyze the market value evidence in the record.

The parties submitted eight comparable sales for the Board's consideration, as one property was common to both parties. Additionally, the record contains two sales of the appellant's comparable #3, one in November 2018 reported by the appellant and one in August 2020 reported by the board of review. The Board gives less weight to appellant comparable #2 which sold in 2018, less proximate to the January 1, 2021 lien date than other comparables in the record. The Board gives less weight to board of review comparables #1, #2, #3 and #5 which, based on MLS and online information submitted by the appellant, appear to be superior in updating and condition when compared to the subject property.

The Board finds the best evidence of market value to be appellant comparables #1, #3, #4 and the August 2020 sale of appellant comparable #2. The Board also finds the best evidence to include board of review comparable #4, the common property, which has two sales reported in May 2019. These four properties are more similar to the subject in location, design and condition but have varying degrees of similarity to the subject in age, dwelling size and basement features. These best comparables sold in May 2019 or August 2020 for prices ranging from \$276,500 to \$370,000 or from \$130.36 to \$214.12 per square foot of living area, including land. The subject's assessment reflects a market value of \$395,154 or \$189.98 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 within the range on a per square foot basis. However, after considering appropriate adjustments to the comparables for differences from the subject, the Board finds the subject's assessment is excessive and a reduction in the subject's assessment is warranted.

As a final matter, the Board finds the application of mass appraisal theory, such as a sales ratio study, to be unpersuasive when determining a fair and equitable assessment for an individual property. The sales ratio study results presented at hearing by Ms. Castiglia reflects a median level of assessment-to-sale price, meaning it is the middle value for the 33 sales in the subject's market. This means that 16 properties have an assessment-to-sale price that exceeds the 33.33% and 16 properties have an assessment-to-sale price that falls below the 33.33% sited. Additionally, analysis of the comparables in this record disclosed the assessment-to-sale price ratio ranging from approximately 39% to 65%, suggesting the comparables in this record are over assessed relative to their sale price, given the statutory level of assessment of 33.33%.

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: October 17, 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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