



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

APPELLANT: Dennis & Jane Byrd  
DOCKET NO.: 08-03728.001-R-1  
PARCEL NO.: 06-01-127-003

The parties of record before the Property Tax Appeal Board are Dennis and Jane Byrd, the appellants, and the DuPage County Board of Review.

Based on the facts and exhibits presented, 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:** \$63,170  
**IMPR:** \$193,840  
**TOTAL:** \$257,010

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story single family dwelling that contains 3,577 square feet of living area. The dwelling was constructed in 2000 and has a frame and vinyl siding exterior. Features of the home include a full unfinished basement, central air conditioning and a three-car attached garage. The subject has a 9,500 square foot site and is located in Elmhurst, York Township, DuPage County.

The appellants contend both overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument the appellants provided evidence disclosing they purchased the subject property in March 2007 for a price of \$772,500 or \$215.96 per square foot of living area, including land. The appellants indicated on the appeal form that the parties to the transaction were not related and the subject property was sold through the use of a Realtor. They indicated the subject was advertised for sale in a local newspaper and the Multiple Listing Service (MLS). The appellants submitted a copy of the closing statement dated March 22, 2007 which indicated the contract sales price was \$772,500. The appellants asserted that given the decline in the real estate market a 4% decline in

market value from the purchase price would result in a market value of \$741,600.

In support of the assessment inequity argument the appellants submitted assessment information and copies of photographs on four comparables located in Elmhurst. The comparables were described as being improved with two-story dwellings that ranged in size from 2,993 to 3,943 square feet of living area. The dwellings were constructed from 2000 to 2005 and had a mixture of exterior construction. Each comparable had a basement with one being reported to be partially finished. Each comparable also had central air conditioning, three comparables had one or two fireplaces and each had a two-car garage. These properties had improvement assessments that ranged from \$152,580 to \$203,660 or from \$49.23 to \$55.31 per square foot of living area. Three of these comparables were reported to have sold from April 2006 to January 2008 for prices ranging from \$585,000 to \$800,000 or from \$195.46 to \$203.95 per square foot of living area, including land. The subject has an improvement assessment of \$216,990 or \$60.66 per square foot of living area. The appellants indicated the average building assessment was \$51.57 per square foot, which, if applied to the subject results in an improvement assessment of \$184,474.

Based on this evidence the appellants requested the subject's improvement assessment be reduced to \$184,030 and the total assessment be reduced to \$247,200.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$280,160 was disclosed. The subject's assessment reflects a market value of \$842,080 or \$235.42 per square foot of living area, including land, when applying the 2008 three year average median level of assessments for DuPage County of 33.27%.

In support of the assessment the board of review submitted an Addendum to Board of Review Notes on Appeal and Exhibit #1 which listed the appellants' comparables and comparables identified by the assessor. The assessor identified six comparables improved with two-story dwellings that ranged in size from 3,236 to 4,237 square feet of living area. These comparables were constructed from 2001 to 2005 and had a mixture of exterior construction. The assessor indicated that each comparable had either a two or three car garage and each had a basement. The record indicated these properties sold from October 2007 to February 2008 for prices ranging from \$780,000 to \$1,525,000 or from \$233.49 to \$359.02 per square foot of living area, including land. These comparables also had total assessments ranging from \$77,300 to \$300,000 and five comparables had improvement assessments ranging from \$189,300 to \$243,230 or from \$58.50 to \$69.84 per square foot of living area.<sup>1</sup> The assessor also submitted a copy of a 2007 assessment agreement between the appellants and the

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<sup>1</sup> Assessor's comparable #2 located at 278 Claremont St. (Parcel #06-02-402-005) had no improvement assessment and only a land assessment of \$77,300.

assessor's office of \$257,500 based on the purchase price. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellants argued in part the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he 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). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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 on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The appellants argued in part overvaluation based on the sale of the subject in March 2007 for a price of \$772,500. The appellants provided evidence disclosing the sale had the elements of an arm's length transaction. The Board finds the board of review did not challenge the arm's length nature of the subject's sale. The Board finds the record also contained seven sales of dwellings relatively similar to the subject in age and size that occurred from October 2007 to January 2008 for prices ranging from \$640,000 to \$900,000 or from \$202.89 to \$253.24 per square foot of living area, including land.<sup>2</sup> The appellants provided evidence disclosing they purchased the subject property in March

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<sup>2</sup> The Board excluded Assessor's comparable #2 located at 278 Claremont St. (Parcel #06-02-402-005) due to the fact this property appears to be an outlier with a price of \$1,525,000 and had no improvement assessment.

2007 for a price of \$772,500 or \$215.96 per square foot of living area, including land. The Board finds the subject's purchase price falls within the range established by the comparables giving support to the conclusion the purchase price is reflective of the property's market value as of January 1, 2008, which is below the estimated value of the property as reflected by the subject's assessment. In conclusion the Board finds the subject had a market value of \$772,500 as of January 1, 2008. Since market value has been established the 2008 three year average median level of assessments for DuPage County of 33.27% shall apply.

The appellants also argued assessment inequity as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data the Board finds a further reduction to the subject's assessment beyond what was granted based on the market value argument is not warranted.

The Board finds the subject's revised improvement based on the market value finding herein is \$193,840 or \$54.19 per square foot of living area, which is within the range established by the appellants' equity comparables of \$49.23 to \$55.31 per square foot of living area. The Board finds no further reduction to the subject's assessment is justified based on assessment inequity considering the evidence in this 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

Acting Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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 23, 2011

*Allen Castrovillari*

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 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 the subsequent year 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.

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.