



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

APPELLANT: Scott Nicholson
DOCKET NO.: 09-04371.001-R-1
PARCEL NO.: 09-01-204-004

The parties of record before the Property Tax Appeal Board are Scott Nicholson, the appellant, 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: \$128,670
IMPR.: \$178,990
TOTAL: \$307,660

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 2.5-story single family dwelling with approximately 4,370 square feet of living area.¹ The dwelling was constructed in 1908 and remodeled in 2000 with an addition constructed on the back of the dwelling. Features of the home include a partial unfinished basement, central air conditioning, two fireplaces and a detached garage with 528 square feet of building area. The subject property has an 11,775 square foot site and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant is challenging the assessment of the subject property for the 2009 tax year contending the market value of the subject property is not accurately reflected in the property's assessed valuation. In support of this argument the appellant completed Section IV - Recent Sale Data on the appeal disclosing

¹ The size of the subject dwelling is based on the schematic diagram and calculations contained in the appraisal of the subject property submitted by the appellant. The board of review indicated the subject dwelling had 3,561 square feet of living area. The appellant also indicated the subject dwelling had 3,561 square feet of living area when completing the appeal form and, alternatively, 3,526 square feet of living area in his brief. The determination of the correct size of the dwelling is not dispositive of the appeal.

the subject property was purchased in August 2008 for a price of \$925,000. The appellant indicated the parties to the transaction were not related, the property had been advertised for sale, the property was sold through a Realtor and the property had been listed on the market for a period of 8 months prior to the purchase. To further document the sale the appellant submitted a copy of the settlement statement dated August 1, 2008 and disclosing a contract sales price of \$925,000. The appellant also provided an Affidavit of "Arm's Length Transaction" signed in April 2010 by the seller's agent, the buyer's agent and the buyers averring that the sale had the elements of an arm's length transaction. As a final piece of evidence the appellant submitted an appraisal estimating the subject property had a market value of \$975,000 as of July 7, 2008. Based on this evidence the appellant requested the subject's assessment be reduced to \$308,333 to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$369,850 was disclosed. The subject's assessment reflects a market value of \$1,111,996, when applying the 2009 three year average median level of assessments for DuPage County of 33.26%.

In support of the assessment the board of review submitted an analysis prepared by the Downers Grove Township Assessor's Office. The township assessor analyzed the five comparable sales contained in appellant's appraisal and five additional comparables selected by the assessor's office. The comparables selected by the assessor were improved with multi-story single family dwellings that ranged in size from 3,121 to 3,600 square feet of living area. The dwellings vary in age and all were located in Hinsdale. The sales occurred from May 2007 to November 2008 for prices ranging from \$917,000 to \$1,437,500 or from \$286 to \$417 per square foot of living area, including land, rounded. The board of review evidence also indicated the subject property was purchased in August 2008 for a price of \$925,000. The assessor indicated there was no indication why the subject property sold for so much lower than surrounding comparables.

The assessor also indicated these comparables had improvement assessments ranging from \$204,280 to \$324,380 or from \$60 to \$97 per square foot of living area, rounded. The assessor calculated the subject as having an improvement assessment of \$241,180 or \$68 per square foot of living area, rounded, using 3,561 square feet of living area.

Based on this evidence, the board of review requested confirmation of the assessment.

The appellant submitted rebuttal evidence reiterating the subject property was purchased in an arm's length transaction. The appellant also provided three-additional comparables to refute the assessor's comments. Pursuant to section 1910.66(c) of the rules of the Property Tax Appeal Board the Board will not

consider the additional comparables submitted by the appellant in rebuttal. Section 1910.66(c) provides that:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

86 Ill.Admi.Code 1910.66(c). Based on this rule the Board will not give any consideration to the appellant's comparables submitted in rebuttal.

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 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd 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)). 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). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record is the purchase of the subject property in August 2008 for a price of \$925,000. The Board finds the purchase price reflects a market value below the market value reflected by the subject's assessment. The appellant provided evidence that the sale had the elements of an arm's length transaction. The evidence in this record disclosed the parties to the sale were not related, the property was exposed on the open market for over eight months and the property was sold using a Realtor. The Property Tax Appeal Board further finds the board of review submitted no evidence to challenge the arm's length nature of the sale. Based on this record the Board finds the subject had a market value of \$925,000 as of January 1, 2009. Since market value has been determined the 2009 three year average median level of assessments for DuPage County of 33.26% shall apply. (86 Ill.Admin.Code 1910.50(c)(1)).

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.



Chairman



Member



Member



Member



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: September 21, 2012



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.