



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

APPELLANT: Nithish Tharakan
DOCKET NO.: 09-05939.001-R-1
PARCEL NO.: 01-03-106-004

The parties of record before the Property Tax Appeal Board are Nithish Tharakan, 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: \$61,450
IMPR: \$127,800
TOTAL: \$189,250**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a 2-story brick dwelling. The dwelling contains 4,509 square feet of living area and was built in 2005. Features of the home include a full basement, a fireplace, central air conditioning and a 3-car garage containing 658 square feet. The subject is located in Bartlett, Wayne Township, DuPage County.

The appellant contends overvaluation based on the recent sale of the subject property. The appellant completed Section IV of the appeal form indicating the subject was purchased on November 6, 2008 for a price of \$569,000 or \$126.19 per square foot of living area including land. The appellant claims the subject was purchased through a realtor, was advertised for sale through a multiple listing service, and the sale was not between family or related corporations. The appellant did not disclose how long the subject had been on the market, but attached a listing sheet which revealed the subject had been on the market 10 days, from September 16, 2008 to September 26, 2008 and sold for its original listing price. The remarks included "great opportunity to buy a bank owned property". To further document the sale, the appellant submitted a copy of the settlement statement disclosing the subject was purchased on November 6, 2008 for a price of \$569,900. Based on this record, the appellant requested the subject's assessment be reduced to approximately \$181,999 which

would reflect a market value of approximately \$546,000 at the statutory level of assessment of 33.33%¹.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$276,060 was disclosed. The subject's total assessment reflects an estimated market value of \$830,006 or \$184.08 per square foot of living area, land included, using the 2009 three-year median level of assessments for DuPage County of 33.26% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted the subject's property record card and two sets of comparables. One is a grid analysis of five sale comparables and the other is a grid analysis of six equity comparables which are the same model home as the subject. In the sales grid analysis, the five comparables are described as 2-story brick dwellings ranging in size from 4,187 to 4,604 square feet of living area. The comparables were built from 2004 to 2008. They sold from December 2006 through June 2008 for prices ranging from \$690,000 to \$1,100,600 or from \$162.20 to \$252.66 per square foot of living area including land. Four of the comparables were "builder's sales", with only comparable #3 a resale.

The board of review also presented an equity grid analysis which is not responsive to the appellant's overvaluation argument and will not be further addressed herein.

The board of review asserts through a letter from the Wayne Township assessor that the subject was a foreclosure and sold by a financial institution. It was excluded from the sales ratio studies used to determine 2009 assessments. 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 this appeal. The Property Tax Appeal 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 must be proven 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 of the subject property or comparable sales. (86 Ill.Admin.Code Sec. 1910.65(c)). A contemporaneous sale between two parties dealing

¹ There was an error on the appeal form regarding the appellant's requested assessment. The appellant requested the improvement assessment be reduced to \$120,549 and the land assessment remain unchanged at \$61,450, for a total assessment of \$181,999. The appellant listed the total assessment as \$189,666.

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). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds that, although the subject was a foreclosure and being sold by a financial institution, it still had the hallmarks of an arm's length transaction. Therefore, the Board finds the best evidence of market value in the record is the sale of the subject property on November 6, 2008 for a price of \$569,000. This sale price is supported by the single resale comparable submitted by the board of review which sold for \$690,000. Based on this record, the Board finds the subject had a market value of \$569,000 as of its January 1, 2009 assessment date. Since market value has been established, the 2009 DuPage county three-year median level of assessments of 33.26% shall apply.

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.

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: July 20, 2012

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.