



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

APPELLANT: James Evans  
DOCKET NO.: 09-05940.001-R-1  
PARCEL NO.: 01-04-305-003

The parties of record before the Property Tax Appeal Board are James Evans, 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:** \$37,720  
**IMPR:** \$77,860  
**TOTAL:** \$115,580

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story frame and brick dwelling containing 2,426 square feet of living area. The dwelling was built in 1990 and features a full finished basement, central air conditioning, a fireplace and a 528 square foot attached garage. The dwelling is situated on 10,800 square feet of land located in Wayne Township, DuPage County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant completed Section IV Recent Sale Data portion of the residential appeal form. The information supplied indicated the subject property was purchased in November 2008 for a price of \$347,500. The appellant's submission also revealed the subject property was sold by a realtor, exposed to the market for 80 days and the buyer and seller were not related. The appellant also submitted a settlement statement for the subject property revealing the contract sales price of \$347,500 on November 21, 2008.

Based on this evidence, the appellant requested that the subject's assessment be reduced to \$115,833.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$122,350 was disclosed. The subject's assessment reflects an estimated market value of \$367,859 or \$151.63 per square foot of living area including land using DuPage County's 2009 three-year median level of assessments of 33.26%.

In support of the subject's assessment, the board of review submitted six comparable sales and six equity comparables located in the subject's neighborhood. Since this is a market value appeal, the six equity comparables submitted by the board of review will not be addressed further. The six sales consist of one-story style frame and brick dwellings that contain from 2,329 to 2,674 square feet of living area. The dwellings were built from 1989 to 1991. The comparables have lot sizes ranging from 11,014 to 14,187 square feet of land area. The comparables sold from April 2006 to November 2008 for prices ranging from \$343,000 to \$435,500 or from \$141.38 to \$186.99 per square foot of living area including land.

Based on the evidence presented, 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 a reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002),

The Illinois Supreme Court has defined fair cash value as 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 to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1<sup>st</sup> Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The appellant submitted information that the subject sold in November 2008 for \$347,500. The appellant is requesting the subject's assessment be reduced to reflect the purchase price. The board of review presented six suggested comparable sales in support of the subject's value. The sales occurred from April 2006 to November 2008 for prices ranging from \$343,000 to \$435,500 or from \$141.38 to \$186.99 per square foot of living area including land.

The board of review argued this evidence supports the subject's assessment of \$122,350 which reflects an estimated market value of \$367,859 or \$151.63 per square foot of living area including land.

The Board finds the best indicator of value for the subject in the record is the subject's sale in November 2008 for a price of \$347,500 or \$143.24 per square foot of living area including land. The Board finds the board of review did not present any evidence challenging the arm's-length nature of the transaction. Considering the totality of the evidence, the Board finds the subject's estimated market value as reflected by the assessment of \$367,859 is excessive and a reduction is warranted. The Board finds the subject had a market value of \$347,500 as of January 1, 2009. Since fair market value has been established, DuPage County's 2009 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.

*Ronald 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: February 24, 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.