



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

APPELLANT: Ronald Roti  
DOCKET NO.: 09-05973.001-R-1  
PARCEL NO.: 09-26-102-009

The parties of record before the Property Tax Appeal Board are Ronald Roti, 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:** \$40,000  
**IMPR.:** \$1,070  
**TOTAL:** \$41,070

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject parcel is improved with a 1-story frame dwelling with no basement. The dwelling contains 912 square feet of living area and was built in 1955. Features of the home include a 1-car garage containing 286 square feet. The subject is located in Darien, Downers Grove 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 December 3, 2008 for a price of \$123,500 or \$135.42 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, had been on the market 36 days and the sale was not between family or related corporations. The appellant also submitted a listing sheet disclosing an original list price of \$144,900. The remarks included "bank-owned property being sold as-is. Seller will not provide survey, termite inspection, seller exempt from disclosures". To further document the sale, the appellant submitted a copy of the settlement statement disclosing the subject was purchased on November 7, 2008 for a price of \$123,500. Based on this record, the appellant requested the subject's assessment be reduced to approximately \$41,666 which would reflect a market value of approximately \$125,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$73,630 was disclosed. The subject's total assessment reflects an estimated market value of \$221,377 or \$242.74 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 a grid analysis and property record cards for five sales comparables described as 1-story brick or frame dwellings ranging in size from 920 to 1,168 square feet of living area. The comparables were built from 1949 to 1959. They sold from March 2007 through December 2009 for prices ranging from \$179,900 to \$235,000 or from \$165 to \$236 per square foot of living area including land. The Downers Grove assessor also disclosed that the quality of the subject is rated 1.4 or below average. Only one comparable was rated 1.4 in quality, the others being rated higher at 1.5. 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 (3<sup>rd</sup> 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 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.

Initially the Board finds the subject sold on November 7, 2008 based on the settlement statement.

The Board further 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. It was purchased through a realtor, was advertised for sale through a multiple listing service, had been on the market 36 days and the sale was not between family or related corporations.

Of the comparables submitted by the board of review, only comparable #5 was similar in quality to the subject and its sale was dated. No other dwellings of that quality level had recently sold. Therefore, the Board finds the best evidence of market value in the record is the sale of the subject property on November 7, 2008 for a price of \$123,500. Based on this record, the Board finds the subject had a market value of \$123,500 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.

*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: 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.