



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

APPELLANT: David Hoster
DOCKET NO.: 10-01663.001-R-2
PARCEL NO.: 05-13-119-014

The parties of record before the Property Tax Appeal Board are David Hoster, 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: \$28,290
IMPR: \$271,230
TOTAL: \$299,520

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of masonry construction containing approximately 3,587 square feet of living area.¹ The home features a full unfinished basement, central air conditioning, two fireplaces and an attached 572 square foot two-car garage. The dwelling was built in 2008. The property is located in Milton Township, DuPage County.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument the appellant submitted a settlement statement and a Multiple Listing Service (MLS) sheet for the recent sale of the subject property. The appellant also

¹ The MLS data sheet supplied by the appellant discloses that the approximate square footage of the subject improvement is 3,720 square feet of living area, however, no sketch or support of this dwelling size was submitted. The board of review reports the subject dwelling has 3,587 square feet of living area, which was supported by a sketch of the subject improvement within the subject's property record card. The Board finds the best evidence in this record of the subject's dwelling size is the sketch from the subject's property record card establishing 3,587 square feet of living area.

completed Section IV-Recent Sale Data of the Residential Appeal form. The evidence revealed that the subject property was purchased in May 2009 for \$640,000. The evidence also revealed that the subject was exposed to the market by a realtor through a Multiple Listing Service for 14 days. The sale was not a transfer between family or related party. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect its sale price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$327,140 was disclosed. The subject's assessment reflects an estimated market value of \$982,993 using DuPage County's 2010 three-year median level of assessments of 33.28%.

In support of the subject's assessment, the board of review submitted a sales grid, property record cards and a map depicting the locations of six comparable sales. Three of the comparables are located in the same neighborhood code as the subject as assigned by the local assessor. All the comparables are in close proximity of the subject. The comparables were described as being improved with one and one-half story or two-story frame dwellings containing from 3,127 to 3,953 square feet of living area. The homes were built from 2004 to 2010. The comparables feature full basements, three of which have finished area. Other features include central air conditioning, a fireplace and garages ranging in size from 484 to 517 square feet of building area. The sales occurred from October 2008 to June 2010 for prices ranging from \$885,000 to \$1,157,000 or from \$227.68 to \$312.96 per square foot of living area, including land.

The board of review also included the subject's Illinois Real Estate Transfer Declaration and argued that the subject's sale was due to foreclosure and the seller was a financial institution.

The evidence also shows the Deputy Assessor for Milton Township offered to reduce the subject's assessment to \$302,140, which reflects an estimated market value of \$907,873 using DuPage County's 2010 three-year median level of assessments of 33.28%. The appellant did not respond to the offer.

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 Board further finds the evidence in the record supports a reduction in the subject's assessment.

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, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the evidence in this record demonstrates the subject is overvalued.

The appellant submitted evidence of the subject's recent sale. The board of review offered six comparable sales for the Board's consideration.

The Board finds the subject's sale transaction suspect. The MLS sheet disclosed that the subject sold for an amount higher than its listing price after being exposed to the market for only 14 days. Additionally, the MLS sheet discloses that "Buyer must be pre-approved with Prospect Mortgage prior to submission of the offer to purchase (purchase contract)." The Board finds this evidence calls into question the arms-length nature of the sale transaction.

After analyzing the sales submitted by the board of review, the Board gave less weight to the board of review's comparable #6 due to its dissimilar one and one-half story design when compared to the subject. Additionally, the Board gave less weight to the board of review's comparable #3 due to its sale date occurring greater than 14 months prior to the subject's January 1, 2010 assessment date. The Board finds the remaining sales are similar to the subject in location, style, age and features. These sales occurred from May 2009 to June 2010 for prices ranging from \$900,000 to \$1,157,000 or from \$227.68 to \$312.96 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$982,993 or \$274.04, which is within the range of the comparables in the record. The Board takes notice that the board of review's comparables #1 and #2 are most proximate in location to the subject and are very similar in age. These comparables sold in May 2010 for \$900,000. Therefore, the Board has given these sales more weight in its analysis. After considering adjustments to these comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment is warranted.

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: April 19, 2013

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.