



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

APPELLANT: David Salb
DOCKET NO.: 10-04951.001-R-1
PARCEL NO.: 09-13-308-027

The parties of record before the Property Tax Appeal Board are David Salb, the appellant, by attorney Mitchell L. Klein of Schiller Klein, PC, Chicago; 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: \$234,990
IMPR: \$141,020
TOTAL: \$376,010

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with an owner occupied dwelling located in Downers Grove Township, DuPage County, Illinois.

The appellant submitted a legal brief before the Property Tax Appeal Board claiming the subject's 2010 assessed value was incorrect based on a contention of law. The appellant's evidence disclosed the subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 09-04780.001-R-2. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$399,120 based on the evidence submitted by the parties. Pursuant with section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the appellant requested the Board carry forward the subject's 2009 reduced assessment to the 2010 assessment year, applying the 2010 Downers Grove Township equalization factor of .9421.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject property totaling \$510,080 was disclosed. In support of the subject's

assessment, the board of review submitted letter addressing the appeal prepared by the township assessor. The letter critiqued the appraisal submitted by the appellant in the 2009 appeal before the Property Tax Appeal Board, which was not the basis of the appellant's assessment complaint in this matter. In the letter, the assessor requested the Board modify their prior decision and review the evidence submitted on behalf of the DuPage County Board of Review. The board of review submitted sales and assessment information for five suggested comparables to demonstrate the subject was uniformly assessed and the subject's assessment reflected fair market value. The board of review did not address the legal contention raised by the appellant. 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 Board further finds a reduction on the subject's assessment is warranted.

Pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the Board finds the prior year's decision shall be carried forward to the subsequent assessment year subject only to equalization. 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 on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185).

The record disclosed the Property Tax Appeal Board issued a decision reducing the subject's 2009 assessment to \$399,120. The record further indicates that the subject property is an owner occupied dwelling and that 2009 and 2010 are within the same general assessment period. The record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to the Board's decision. The record also shows a .9421 equalization factor was issued for Downers Grove Township by the Chief County Assessment Officer. For these reasons, the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision of \$399,120 plus the application of the township equalization factor of .9421 for the 2010 assessment year.

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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: October 18, 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.