



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

APPELLANT: Mark Manella  
DOCKET NO.: 11-02469.001-R-1  
PARCEL NO.: 08-13-113-049

The parties of record before the Property Tax Appeal Board are Mark Manella, 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:** \$32,380  
**IMPR.:** \$120,110  
**TOTAL:** \$152,490

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story townhome of frame and masonry construction containing 1,980 square feet of living area. The dwelling was constructed in 2007. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and an attached garage of 462 square feet of building area. The property is located in Downers Grove, Lisle Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 29, 2010 for a price of \$460,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was Chicago Title Trust 8002349925, the parties to the transaction were not related, the property was sold using a Realtor from the firm of Platinum

Partners, agent Vicki Whipple, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 56 days.

In further support of the transaction the appellant submitted a copy of the Multiple Listing Service data sheet depicting the subject was originally listed on February 17, 2010 for an asking price of \$545,900 prior to the sale for \$460,000. The document further depicts that the contract was entered into on April 13, 2010 and the closing occurred on April 29, 2010. Additionally, a copy of the Closing Statement was submitted which reiterated the sale price previously reported along with the payment of a brokerage commission on the sale.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeals" wherein the subject's total assessment of \$164,870 was disclosed. The subject's assessment reflects a market value of \$497,345 or \$251.18 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

In support of the assessment the board of review submitted its Addendum to Board of Review Notes on Appeal along with Exhibit 1 consisting of a spreadsheet that included data on ten comparables. The spreadsheet indicates it was prepared by John D. Trowbridge II, Lisle Township Assessor. The grid also depicts the subject's purchase price of \$460,000 with a date of April 2010. Also noted on the spreadsheet was the following statement:

- Subject was the developer's office. It was listed on 2/17/2010 for \$545,900 and sold 4/29/2010 for \$460,000
- [#]5 & [#]6 are equity comps
- [#]7 - [#]10 are under construction and not sold
- As of 7/5/2013:
  - o [#]7 is listed for \$572,500
  - o [#]8 is listed for \$586,500
  - o [#]9 is listed for \$586,000
  - o [#]10 is listed for \$529,250

As the appeal is an overvaluation complaint, the Board will not analyze comparables #5 and #6 which are reportedly properties submitted to establish uniformity of assessments or equity.

Such equity evidence is not responsive to the appellant's overvaluation argument.

Each of the eight sales or listing comparables have the same neighborhood code assigned by the assessor as the subject property. These eight sale or listing comparables are improved with dwellings of frame and masonry construction that range in size from 1,977 to 2,219 square feet of living area and were built from 2006 through 2011 and were still under construction in 2013. Each of the comparables has a full or partial basement, four of which are partially finished. Each home has central air conditioning and a fireplace. The homes each also have an attached garage of 462 square feet of building area. Four of these comparables sold from May 2009 to August 2011 for prices ranging from \$499,990 to \$569,700 or from \$252.52 to \$256.74 per square foot of living area, including land. The four comparables that were under construction in 2013 had asking prices in July 2013 ranging from \$529,250 to \$586,500 or from \$238.51 to \$289.58 per square foot of living area, including land.

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 in the subject's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean 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 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). When market value is the basis of the appeal the value of the property 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 (3<sup>rd</sup> Dist. 2002); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property on April 29, 2010 for a price of \$460,000 on a date approximately eight months before the assessment date of January 1, 2011. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The seller was Chicago Title Trust 8002349925, the parties to the transaction were not related, the property was sold using a Realtor from the firm of Platinum Partners, agent Vicki Whipple, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 56 days.

Moreover, the Board finds the purchase price of \$460,000 is below the market value reflected by the assessment of \$497,345. The Board also finds the board of review did not substantively present any evidence to challenge the arm's length nature of the transaction and, in fact, reported the sale of the subject as of April 2010 for \$460,000 in its spreadsheet. The notation that the subject was originally listed in February 2010 for an asking price of \$545,900 is not substantive evidence of the property's market value and, since the property did not sell for that asking price, suggests that the asking price was not reflective of market value in that marketplace.

Similarly, the Board has given no weight to the asking prices reported for board of review comparables #7 through #10 which were still under construction in 2013. These asking prices are not proximate in time to the assessment date of January 1, 2011, particularly considering that the subject property sold for \$460,000 eight months prior to the assessment date at issue.

The Board gave little weight to the remaining four comparable sales presented by the board of review. Comparable #1 sold in May 2009 which is a date sufficiently remote in time from the assessment date to be a less reliable indicator of the subject's

estimated market value. Comparables #2 and #3 appear to each reflect sales of new construction in 2010 and 2011 for similar prices of \$564,600 each whereas the subject was built in 2007 and thus differs from these comparables. Lastly, the Board has given reduced weight to board of review comparable #4 as this property sold a year prior to the assessment date at issue and is thus a less reliable indicator of the subject's market value than the sale of the subject which occurred about eight months before the assessment date and after the property was exposed on the open market. In summary, the board of review failed to refute the contention that the purchase price of \$460,000 was reflective of market value at the time of sale.

Based on this record the Board finds the subject property had a market value of \$460,000 as of January 1, 2011. Since market value has been determined the 2011 three year average median level of assessment for DuPage County of 33.15% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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

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 18, 2014

*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.