



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

APPELLANT: Penny Wagher  
DOCKET NO.: 11-02533.001-R-1  
PARCEL NO.: 04-31-402-026

The parties of record before the Property Tax Appeal Board are Penny Wagher, 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:** \$23,950  
**IMPR.:** \$25,780  
**TOTAL:** \$49,730

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single-family dwelling of frame construction containing 1,700 square feet of living area. The dwelling was constructed in 1988. Features of the home include a crawl-space foundation, central air conditioning and an attached garage of 400 square feet of building area. The property is located in Aurora, Winfield 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 January 11, 2010 for a price of \$150,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was Amy Purham, the parties to the transaction were not related, the property was sold using a Realtor from the firm of Century 21 Pro Team, agent

Larry Thomas, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 178 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 July 11, 2009 for an asking price of \$199,900 with a subsequent price reduction to \$149,900 prior to the sale for \$150,000. The document further depicts this is "pursuant to short sale" and the contract was entered into on January 4, 2010 and the closing occurred on January 11, 2010. Additionally, a copy of the Settlement Statement was submitted which reiterated the date of sale and the sale price previously reported along with the payment of brokers' commissions 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 \$67,820 was disclosed. The subject's assessment reflects a market value of \$204,585 or \$120.34 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 four comparable sales along with a map depicting the location of the subject and the comparables. Also submitted was a copy of the PTAX-203 Illinois Real Estate Transfer Declaration concerning the January 2010 sale of the subject property which depicts the property transferred by Warranty Deed, was advertised prior to its sale and sold for \$150,000 along with a copy of the Notice of Foreclosure recorded in July 2009. The spreadsheet indicates it was prepared by Mark Malay, Winfield Township Assessor and depicts the subject's purchase price of \$150,000 with a date of January 2010 and a footnote, "Transfer Declaration is coded as a Compulsory Transaction, making this a distressed sale therefore not an indication of Market Value."

Each of the four comparables has the same neighborhood code assigned by the assessor as the subject property. The four comparable sales in the spreadsheet presented by the township assessor are improved with two-story dwellings of frame or frame

and masonry construction that range in size from 1,662 to 1,934 square feet of living area and were built between 1983 and 1991. Each comparable has a partial basement and a garage ranging in size from 412 to 477 square feet of building area. No other descriptive characteristics were provided regarding the properties. These comparables sold from May 2010 to June 2011 for prices ranging from \$190,000 to \$215,000 or from \$98.24 to \$125.36 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 to do. 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 January 11, 2010 for a price of \$150,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The seller was Amy Purham, the parties to the transaction were not related, the property was sold using a Realtor from the firm of Century 21 Pro Team, agent Larry Thomas, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 178 days.

Moreover, the Board finds the purchase price of \$150,000 is below the market value reflected by the assessment of \$204,585. Additionally, the original asking price in July 2009 of \$199,900 is also below the market value reflected by the assessment of \$204,585. The Board also finds the board of review did not substantively present any evidence to challenge the arm's length nature of the transaction. Reporting that a notice of foreclosure was recorded in July 2009 and that the "Transfer Declaration is coded as a Compulsory Transaction" does not refute the arm's length nature of the sale transaction. There was no explanation of who did this "coding" or where the "coding" was on the document that was submitted. The only discernible information on the PTAX-203 Illinois Real Estate Transfer Declaration was that the property sold in January 2010, transferred by Warranty Deed and was advertised prior to its sale for \$150,000.

The board of review also failed to refute the contention that the purchase price of \$150,000 was reflective of market value at the time of sale, particularly given the original asking price of \$199,900.

Next, the Board has given little weight to board of review comparable sales #1 through #4 which occurred from May 2010 to June 2011 in light of the provisions of the Property Tax Code and the applicable case law cited above. In summary, when the subject sold in an arm's length transaction about twelve months prior to the assessment date at issue, such sale price on this record is the best evidence of the market value of the subject property.

Based on this record the Board finds the subject property had a market value of \$150,000 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.