



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

APPELLANT: Brian Crile
DOCKET NO.: 11-02537.001-R-1
PARCEL NO.: 04-03-414-022

The parties of record before the Property Tax Appeal Board are Brian Crile, 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: \$24,130
IMPR.: \$74,200
TOTAL: \$98,330

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single-family dwelling of frame and masonry construction containing 2,076 square feet of living area. The dwelling was constructed in 1998. Features of the home include a basement, central air conditioning, a fireplace and an attached garage of 420 square feet of building area. The property is located in West Chicago, 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 March 4, 2011 for a price of \$243,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was FHLMC, the parties to the transaction were not related, the property was sold using a Realtor from the firm of Tanis Group, agent Joseph Mueller, the

property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 1 day. The property was sold in settlement of a foreclosure action.

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 7, 2011 for an asking price of \$209,900 prior to the sale for \$243,000. The document further depicts the property is "bank owned," the contract was entered into on February 7, 2011 and the closing occurred on March 4, 2011. 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 \$115,220 was disclosed. The subject's assessment reflects a market value of \$347,572 or \$167.42 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 eight comparable sales along with two maps depicting the location of the subject and the eight 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 Special Warranty Deed, was advertised prior to its sale and sold for \$243,000. The spreadsheet indicates it was prepared by Mark Malay, Winfield Township Assessor and depicts the subject's purchase price of \$243,000 with a date of March 2011 and a footnote, "Property was Bank Owned, making this a distressed sale therefore not an indication of Market Value."

Each of the eight comparables have the same neighborhood code assigned by the assessor as the subject property. The eight comparable sales in the spreadsheet presented by the township assessor are improved with one-story or two-story dwellings of frame or frame and masonry construction that range in size from

1,750 to 2,689 square feet of living area and were built between 1995 and 2000. Each comparable has a full or partial basement and a garage ranging in size from 420 to 682 square feet of building area. No other descriptive characteristics were provided regarding the properties. These comparables sold from April 2010 to November 2011 for prices ranging from \$294,500 to \$370,000 or from \$122.15 to \$191.71 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). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983). 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 (3rd 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 purchase of the subject property occurred on March 4, 2011 for a price of \$243,000 which occurred two months after the assessment date at issue of January 1, 2011. However, the record reveals that the subject was on the market for 1 day prior to its sale and sold for a price greater than its original asking price. These facts raise issues concerning the arm's length nature of the subject's sale transaction which were not addressed by the minimal submission made by the appellant.

The appellant provided minimal evidence demonstrating the sale had some of the elements of an arm's length transaction. The seller was FHLMC, the parties to the transaction were not related, the property was sold using a Realtor from the firm of Tanis Group, agent Joseph Mueller, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 1 day. The board of review reported that the "[p]roperty was Bank Owned, making this a distressed sale therefore not an indication of Market Value." In addition, when given the opportunity to rebut this submission of the board of review, the appellant filed no rebuttal evidence.

The Board has given little weight to several of the board of review comparable sales. Comparables #4 and #6 are one-story dwellings which differ in design from the subject two-story home. Due to this difference, these comparables have been given little weight. Additionally, comparables #4, #5, #7 and #8 differ substantially in size when compared to the subject dwelling and for this difference, these comparables have been given little weight. Comparable #3 has been given reduced weight due to its frame exterior construction when compared to the subject's frame and masonry construction.

On this record, the Board finds board of review comparable sales #1 and #2 were most similar to the subject dwelling. These two properties sold in April 2010 and June 2011 for prices of \$294,500 and \$325,000 or for \$148.59 and \$170.96 per square foot of living area, including land, which sale prices support the assertion that the subject property is overvalued based on its assessment which reflects an overall market value of \$347,572 which is above the range of the most similar sales presented on this record. After considering these two most comparable sales on this record, the Board finds the appellant did demonstrate the subject property's assessment to be excessive in relation to

its market value and a reduction in the subject's assessment is warranted.

Based on this record, the Board finds the subject property is overvalued based on its assessment and a reduction 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.

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.