



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

APPELLANT: Gerardo Ruiz
DOCKET NO.: 11-03425.001-R-1
PARCEL NO.: 02-34-205-022

The parties of record before the Property Tax Appeal Board are Gerardo Ruiz, the appellant, and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$16,050
IMPR.: \$36,530
TOTAL: \$52,580

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a raised ranch dwelling of frame construction with 845 square feet of living area. The dwelling was constructed in 1968. Features of the home include a lower level with finished area including a half-bath, central air conditioning and an attached two-car garage. The property

has a 9,691 square foot site and is located in Glendale Heights, Bloomingdale Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales and a one-page "Desktop Underwriter Quantitative Analysis Appraisal Report" with an estimated market value for the subject property of \$125,000 as of April 7, 2011 based upon three comparable sales located within .57 of a mile of the subject and which sold in December 2010 and January 2011. As depicted in the report, the appraiser did not make an interior inspection of the subject property. For the sales comparison approach to value, the appraiser considered a short sale and two foreclosures with a notation in the report that "short sales and foreclosures are a major factor in this market." The appraisal also reported the market area presented a total of 184 sales ranging in price from \$60,000 to \$200,000 and 82 listings ranging from \$74,000 to \$199,900.

Based on this evidence, the appellant requested an assessment reduction reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$52,580. The subject's assessment reflects a market value of \$158,612 or \$187.71 per square foot of living area, land included, when using the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

The board of review submitted a memorandum from the Bloomingdale Township Assessor, who contended that each of the appellant's comparable sales was "considered to be foreclosures."

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on five comparables sales of raised ranch dwellings located in the same neighborhood as the subject. The sales occurred between May 2010 and September 2011 for prices ranging from \$159,900 to \$196,900 or from \$183.67 to \$196.48 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Property Tax Appeal Board has given the appellant's appraisal value conclusion little weight as the appraiser did not perform an inspection of the subject property and thus, the "exterior only" is a less credible opinion of value for the subject. The Board will consider the raw sales in the appellant's appraisal along with the sales presented by the appellant and the board of review.

The Board also takes notice that Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to assessment date at issue, January 1, 2011.

The parties submitted a total of eleven sales to support their respective positions before the Property Tax Appeal Board. The Board finds the best evidence of market value to be four of the appellant's comparable sales along with three of the board of review comparable sales. These seven most similar comparables range in size from 803 to 967 square feet of above-grade living area and these properties sold between December 2010 and September 2011 for prices ranging from \$115,000 to \$181,000 or from \$117.35 to \$189.23 per square foot of above-grade living area, including land. The subject's assessment reflects a market value of \$158,612 or \$187.71 per square foot of above-grade living area, including land, which is within the range established by the best comparable sales in this record and well-supported by the most similar comparable presented, board of review #5, which is identical in size to the subject and similar in age. This property sold in April 2011 for \$159,900 or \$187.18 per square foot of above-grade living area, including land.

Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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.



Chairman



Member



Member



Member



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: August 22, 2014



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.