



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

APPELLANT: Melissa Flaszka  
DOCKET NO.: 12-03058.001-R-1  
PARCEL NO.: 09-20-409-013

The parties of record before the Property Tax Appeal Board are Melissa Flaszka, the appellant, by attorney Dennis D. Koonce of Dennis Koonce Attorney at Law in Frankfort; 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:** \$45,770  
**IMPR.:** \$26,530  
**TOTAL:** \$72,300

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 2012 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 one-story dwelling of frame construction with 2,417 square feet of living area. The dwelling was originally constructed in 1955 and had an addition

built in 1996. Features of the home include a fireplace and a 452 square foot garage. The property has a 20,000 square foot site and is located in Downers Grove, Downers Grove 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 November 7, 2011 for a price of \$217,000. The appellant's evidence included a Settlement Statement (HUD-1) for the subject's sale that disclosed a total of \$10,900 was paid for Broker Fees. To further support the arms-length nature of the subject's sale, the appellant submitted a Multiple Listing Service (MLS) sheet disclosing the subject was listed on the market for 22 days by John Monino, a listing agent. 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 Appeal" disclosing the total assessment for the subject of \$102,810. The subject's assessment reflects a market value of \$308,553 or \$127.66 per square foot of living area, land included, when using the 2012 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

As to the appellant's evidence, the board of review argued that the appellant purchased the subject from Federal National MA as an REO sale following a foreclosure and submitted the subject's Illinois Real Estate Transfer Declaration (PTAX-203) disclosing the subject's sale was a "Bank REO (real estate owned)" transaction. The board of review further argued that the subject was only exposed to the market for 19 days. The board of review wrote, "The MLS also indicates that this is a Fannie Mae Property with incentives such as requesting 3.5% of the final sales price, plus the selling agent may receive a bonus."

In support of its contention of the correct assessment the board of review submitted information on three comparable sales that ranged in size from 1,106 to 1,757 square feet of living area.

#### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

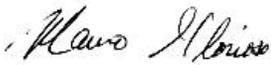
The Board finds the best evidence of market value to be the purchase of the subject property in November, 2011 for a price of \$217,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised through the Multiple Listing Service and it had been on the market for 22 days. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board gave less weight to the board of review's three comparables due to their significantly smaller sizes, when compared to the subject. The board of review's argument challenging the arm's length nature of the subject's sale transaction did not overcome the appellant's contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property had a market value of \$217,000 as of January 1, 2012. Since market value has been determined the 2012 three year average median level of assessment for DuPage County of 33.32% 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.

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Chairman



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Member



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Member

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Member



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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 24, 2015



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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.