



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

APPELLANT: Kali & Zachary Sweers
DOCKET NO.: 13-01560.001-R-1
PARCEL NO.: 08-03-450-023

The parties of record before the Property Tax Appeal Board are Kali and Zachary Sweers, the appellants, by attorney Jerri K. Bush in Chicago, and the DeKalb 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 **DeKalb** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$4,634
IMPR.: \$23,697
TOTAL: \$28,331

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the DeKalb County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 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 is improved with a two-story townhouse of frame construction with 1,600 square feet of living area. The dwelling was constructed in 2004. Features of the townhouse include a full unfinished basement, central air conditioning and an attached two-car garage. The property is located in DeKalb, DeKalb Township, DeKalb County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased in May 2012 for a price of \$85,000. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the property was purchased from Steel Capital Steel, LLC and the parties were not related. The appellants also indicated the property was sold by a Realtor, the property had been advertised in the Multiple Listing Service (MLS) and the property had been on the market for 100 days prior to the sale. To document the sale the appellants submitted a copy of the settlement statement, a copy of the MLS listing and a copy of the subject's Listing & Property History Report. The listing report disclosed the subject property was originally listed on December 20, 2011 for a price of \$110,000 and this listing was cancelled on March 21, 2012 after the price had been reduced to \$90,000. The property was listed again on March 26, 2012 for a price of \$90,000 and the property closed on May 23, 2012 for a price of \$85,000. Based on this evidence, the appellants requested the subject's assessment be reduced to \$28,331.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,000. The subject's assessment reflects a market value of \$90,387 or \$56.49 per square foot of living area, land included, when using the 2013 three year average median level of assessment for DeKalb County of 33.19% as determined by the Illinois Department of Revenue.

In rebuttal the board of review submitted a statement from the DeKalb County Chief County Assessment Officer asserting that the deed was a special warranty deed. She stated these types of sales can sell way below what the market sales are in the neighborhood.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. The comparables were improved with two-story townhomes of frame construction with vinyl siding exteriors that ranged in size from 1,500 to 1,650 square feet of living area. The dwellings ranged in age from 8 to 10 years old. Each of the comparables had a full basement, central air conditioning and a two-car garage. These comparables sold from January 2013 to March 2013 for prices ranging from \$85,000 to \$105,250 or from \$51.51 to \$70.16 per square foot of living area, including land.

In rebuttal the appellants' attorney asserted a recent sale is considered the best evidence of value. She also noted the property was listed on the open market for 100 days. She argued the board of review provided no evidence disputing the arm's length nature of the transaction and no evidence that the sales price was not reflective of market value.

Conclusion of Law

The appellants contend 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 appellants 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 May 2012 for a price of \$85,000 or \$53.13 per square foot of living area, including land. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants 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 on the open market through the Multiple Listing Service and it had been on the market for 100 days. In further support of the transaction the appellants submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review presented three sales that were similar to the subject that sold from January 2013 to March 2013 for prices ranging from \$85,000 to \$105,250 or from \$51.51 to \$70.16 per square foot of living area, including land. The subject's purchase price is within the range established by these sales, which further supports the conclusion the subject's purchase was an arm's length transaction reflective of fair cash value. Based on this record the Board finds a reduction in the subject's assessment commensurate with the appellants' request is appropriate.

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

K. L. Ferr

Mark Albino

Member

Member

DR

Jerry White

Member

Acting 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 21, 2015

A. Portol

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.