



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

APPELLANT: Philip Varghese
DOCKET NO.: 12-03404.001-R-1
PARCEL NO.: 05-33-404-005

The parties of record before the Property Tax Appeal Board are Philip Varghese, the appellant, by attorney William I. Sandrick of the Sandrick Law Firm LLC, in South Holland, 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: \$74,980
IMPR: \$99,950
TOTAL: \$174,930

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 two-story dwelling of brick exterior construction with approximately 4,450 square feet of living area. The dwelling was constructed in 1987. Features of

the home include a full basement with finished area,¹ central air conditioning, a fireplace and a two-car garage. The property has a 20,832 square foot site and is located in Wheaton, Milton Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$525,000 as of January 1, 2012. Based on this evidence, the appellant requested an assessment 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 \$266,600. The subject's assessment reflects a market value of \$800,120 or \$179.80 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 appraisal comparables, the township assessor contended that only sale #1 was within the township. The assessor further contended that sale #2 in the appraisal was purchased in 2011 and torn down in 2012 meaning the sale reflected the land only. As to appraisal sale #3, the assessor noted the sale occurred eight months after the assessment date of January 1, 2012.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales located within Milton Township which sold between February 2009 and September 2010. Based on this evidence and argument, 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

¹ The appellant's appraiser reported the basement was 50% finished whereas the assessing officials report the basement was 100% finished. The appraisal report includes photographs which do not reflect a fully finished basement.

§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 has given no weight to the five sales presented by the board of review as each of the sales occurred 15 months and more prior to the assessment date at issue of January 1, 2012 and thus are less likely to be indicative of the subject's market value as of the date at issue.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an estimated market value of \$525,000 as of January 1, 2012 and which was estimated by analyzing sales of comparable properties that sold in July or December 2011 with adjustments to the comparables for differences from the subject property in lot size, condition, dwelling size, basement finish and/or other amenities. The subject's assessment reflects a market value of \$800,120 or \$179.80 per square foot of living area, including land, which is above the appraised value. The Board finds the subject property had a market value of \$525,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for DuPage County of 33.32% as determined by the Illinois Department of Revenue 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.

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: April 24, 2015



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.