



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

APPELLANT: John Fischer
DOCKET NO.: 12-03912.001-R-1
PARCEL NO.: 05-11-338-002

The parties of record before the Property Tax Appeal Board are John Fischer, 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: \$23,610
IMPR.: \$192,670
TOTAL: \$216,280**

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 four-story condominium/townhouse of brick construction with 2,914 square feet of living area.¹ The condominium was constructed in 2007.

¹ The Property Tax Appeal Board finds the best evidence of size to be contained in the appellant's appraisal which included a schematic diagram of each floor with dimensions. The board of review submission included no

Features of the home include central air conditioning, two fireplaces, a private elevator that serves all four floors and a two-car garage. The property is located in Glen Ellyn, 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 \$590,000 as of August 11, 2012. The appraisal was prepared by John W. Barnett, Certified Residential Real Estate Appraiser.

In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using five sales and one listing. The comparables were described as being improved with two-story to four-story townhomes that ranged in size from 2,272 to 3,951 square feet of living area. The comparables ranged in age from new to five-years old. Three comparables had basements that were partially finished. Each comparable had central air conditioning, one or two fireplaces and a two-car garage. Three of the comparables had elevators. Five comparables sold from May 2011 to June 2012 for prices ranging from \$575,000 to \$820,000 or from \$207.54 to \$272.39 per square foot of living area, including land. The listing had a price of \$615,000 or \$236.90 per square foot of living area, including land. The appraiser indicated in the report that a negative time adjustment was made to comparables #2, #3, #4 and #5 because of the subject's declining market. A negative adjustment was also made to comparable #6 because it was a listing. The appraiser also made adjustments to the comparables for differences from the subject in size and features resulting in adjusted prices ranging from \$580,500 to \$701,500. Based on this analysis the appraiser arrived at an estimated market value of \$590,000 as of August 11, 2012.

Based on this evidence the appellant requested the subject's assessment be reduced to \$204,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$216,280. The subject's assessment reflects a market value of \$649,100 or \$222.75 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.

diagram of the subject dwelling or calculations of the subject's dwelling size.

In rebuttal the board of review provided a statement asserting that the intended use of the appellant's appraisal was, "for the lender/client to evaluate the property that is the subject of the appraisal for a mortgage finance transaction." The board of review argued the appraisal is not an opinion of the ad valorem assessment value.

In support of its contention of the correct assessment the board of review submitted information on eight comparable sales identified by the township assessor. Board of review sales #5 and #8 were the same properties as appraisal sales #2 and #5, respectively. The comparables were improved with one 1-story condominium, five 3-story townhouses and two 4-story townhouses that ranged in size from 1,596 to 3,951 square feet of living area. The comparables were constructed from 2007 to 2012. Each comparable had central air conditioning and a two-car garage. Six of the comparables had one or two fireplaces and six comparables each had a basement that was 50% finished. These comparables sold from January 2011 to January 2012 for prices ranging from \$618,875 to \$820,000 or from \$207.54 to \$387.77 per square foot of living area, including land. 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 Board finds the best evidence of market value to be appellant's appraisal comparable sales #1 through #4 and board of review comparable sales #2 through #6. These comparables were most similar to the subject in style and size. These comparables sold for prices ranging from \$575,000 to \$789,862 or from \$217.23 to \$299.16 per square foot of living area, including land. The parties had a common sale that sold in August 2011 for a price of \$651,175 or \$238.00 per square foot of living area, including land. The subject's assessment reflects a market value of \$649,100 or \$222.75 per square foot of living area, including land, which is within the range

established by the best comparable sales in the record. Less weight was given the conclusion of value contained in the appellant's appraisal as the effective date of the report was August 11, 2012, eight months after the assessment date at issue. Furthermore, the appraiser stated in the report that negative time adjustments were made to various comparables due to the subject's declining market. As a result the Board finds the appraisal understated the market value of the subject property as of January 1, 2012. 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.

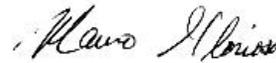
Chairman



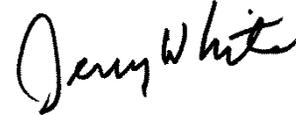
Member



Member



Member



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: September 18, 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.