

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Rebecca and Jay Ferguson
DOCKET NO.: 05-01671.001-R-1
PARCEL NO.: 06-12-402-016

The parties of record before the Property Tax Appeal Board are Rebecca and Jay Ferguson, the appellants, and the DuPage County Board of Review.

The subject property is an owner occupied residential property located in Elmhurst, York Township, Illinois. The property has been improved with a two-story single-family dwelling of brick exterior construction which was newly constructed as of June 28, 2004. The dwelling contains 3,939 square feet of living area and features central air conditioning, a fireplace, two furnaces, two central air conditioning units, a full unfinished basement, and an attached three-car garage of 675 square feet of building area. The most recent purchase price of the property in July 2004 was \$895,000.

The appellants submitted evidence to the Property Tax Appeal Board contending both overvaluation and lack of uniformity in the assessment process; the appellants specifically only disputed the improvement assessment. In support of their arguments, the appellants submitted evidence of a prior Property Tax Appeal Board decision under docket number 04-01541.001-R-1, construction costs (without a contractor's affidavit), a purported recent appraisal of the subject property which was in actuality an undated one-page cost approach analysis by a real estate appraiser, and a grid analysis of sales and assessment data on eleven suggested comparable properties.

As to the appellants' appeal of the subject's 2004 assessment, the parties reached a stipulation that \$130,430 was the correct assessed value consisting of \$31,070 for land and \$99,360 for the improvement in docket number 04-01541.001-R-1. Appellants' instant filing acknowledges that 2004 was a partial or prorated assessment. Given this partial assessment, appellants contend

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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:	\$	33,030
IMPR.:	\$	207,265
TOTAL:	\$	240,295

Subject only to the State multiplier as applicable.

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the current assessment should only be increased mathematically on a proportionate basis to reflect a full year assessment and perhaps increased also by a uniform increase for appreciation. After applying what appellants contend would be a straight mathematical proportionality to the 2004 improvement assessment based on 186 days of assessment for 2004 (or \$534.19 per day), appellants contend the 2005 improvement assessment should be \$194,980 for the full year improvement assessment. The subject property, which is located in York Township, has a quadrennial assessment cycle that began January 1, 2003 and ends in 2006. Data provided by the board of review indicated the 2005 York township factor to have been 1.063.

On the basis of this analysis, the appellants requested an assessment for the subject improvement of \$186,596 based upon the 2004 assessment. Based upon no change in the land assessment and the suggested 2005 assessment, this would result in an estimated fair market value of the subject property of approximately \$658,878.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$282,230 was disclosed consisting of a land assessment of \$33,030 and an improvement assessment of \$249,200. In support of the current assessment, the board of review presented a memorandum from the York township assessor, a transfer declaration for the subject property reflecting a purchase price in July 2004 of \$895,000, an appraisal of the subject property as of June 2004 with an estimated fair market value of \$940,000, maps depicting both the appellants' and assessor's suggested comparables and a grid analysis consisting of assessment data and descriptions of both the appellants' and assessor's comparable properties along with the property record cards of the subject and the parties' suggested comparables.

The assessor noted a new neighborhood code of ENR was established for residences built since 1995 in the City of Elmhurst as new dwellings were selling for substantially more than existing residences on a per square foot basis; these new properties could not be compared to existing dwellings which were 40 to 100 years old. The assessor noted that only two of the appellants' comparables were located in the ENR neighborhood code. Moreover, in his memorandum, the township assessor noted that if the appellants' requested assessment were awarded by the Property Tax Appeal Board, the ratio of the subject's sales price to the assessed market value would be .2453 which would be below the sales ratios of the assessor's comparables for 2002 to 2004 which range from .3153 to .3954. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellants submitted a letter questioning the treatment of their 2006 appeal by the board of review and also submitted a copy of the subject property's two-page residential appraisal report which had been provided to the Property Tax Appeal Board by the board of review.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. Based upon the evidence submitted, the Property Tax Appeal Board finds a reduction in the subject's assessment is warranted.

The appellants argued the subject property was overvalued and inequitably assessed. However, the Board finds the subject property was the subject matter of an appeal before the Property Tax Appeal Board in the prior year under docket number 04-01541.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$130,430 based on a stipulation by the parties and the evidence submitted. The record reflects that the subject property is also an owner occupied residential property. Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, **subject to equalization, shall remain in effect for the remainder of the general assessment period** as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. [Emphasis added.]

The record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to the Board's decision or that the assessment year in question is in a different general assessment period.

Based on this statutory language, the Board finds its 2004 decision shall be carried forward to the subsequent assessment years of the same general assessment period plus annual application of equalization factors applied by the proper authority. This finding is pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185). In other words, the subject's partial 2004 improvement assessment shall be carried through for as a full year assessment; this results in a

calculation of \$194,981 plus application of the York Township equalization factor of 1.063 for a 2005 full-year improvement assessment of \$207,265. The Board finds the subject's final assessment for the 2005 assessment year shall reflect the Board's 2004 decision as prorated plus application of equalization factors applied by the township assessor of 1.063, even though this results in an estimated fair market value for the subject property of approximately \$720,885 or roughly 76% of its fair market value as shown by the recent appraisal of the property and 80% of its 2004 sale price of \$895,000.

For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's finding plus the application of any factor applied for equalization.

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: December 7, 2007



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.