

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Darlene Auerbach
DOCKET NO.: 07-03143.001-R-2
PARCEL NO.: 09-12-222-004

The parties of record before the Property Tax Appeal Board are Darlene Auerbach, the appellant, by attorney Thomas J. McCracken, Jr. of Thomas J. McCracken, Jr. & Associates, P.C., Chicago; the DuPage County Board of Review; and School District No. 86, intervenor, by attorney Alan M. Mullins of Scariano, Himes and Petrarca, Chicago Heights.

Initially, the Board finds that School District No. 86 did not appear at the scheduled hearing and is found to be in default pursuant to section 1910.69(b) of the rules of the Property Tax Appeal Board. (86 Ill.Adm.Code 1910.69(b)).

The subject property consists of two-story single family dwelling of brick construction containing 2,800 square feet of living area. The dwelling is 85 years old with features that include a full basement that is partially finished, central air conditioning, one fireplace and a two-car detached garage. The improvements are located on a 24,500 square foot parcel in Hinsdale, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by real estate appraiser Susan L. Schmit estimating the subject property had a market value of \$1,550,000 as of January 1, 2007. Schmit was called as a witness on behalf of the appellant.

Schmit is an Illinois Certified Residential appraiser who has been licensed since 1993. She has been employed as a full-time appraiser since 1993 and has worked for MJ Roney and Associates since 1993. Schmit only prepares residential appraisals and has done numerous appraisals in Hinsdale. She testified that she is familiar with the Hinsdale market. Schmit identified Appellant's Exhibit 1 as her appraisal of the subject property.

Schmit testified she inspected the subject property and noted it to be of average quality of interior improvements with

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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:	\$	284,580
IMPR.:	\$	201,500
TOTAL:	\$	486,080

Subject only to the State multiplier as applicable.

approximately 2,800 square feet. In estimating the market value of the subject property she used four comparable sales. She described the neighborhood boundaries as the Oak Grade School neighborhood, which is also known as the southeast Hinsdale neighborhood. She testified that the neighborhood is bounded by Chicago Avenue to the north, County Line Road to the East, 55th Street to the south and Garfield Street to the west. She testified the subject property is located on County Line Road, an arterial street into Hinsdale, with a higher level of traffic, which impacts the market value.

The appraiser testified the four comparable properties were the best sales available and the source for her information was the multiple listing service. The data was also verified through the assessor's records. The comparables were located in the neighborhood as she had defined it. The comparables were improved with one and part two-story dwellings that ranged in size from 3,090 to 5,019 square feet of living area. The homes were of stucco, brick or a combination of frame and brick exterior construction. The dwellings ranged in age from 49 to 84 years old and were located on parcels that ranged in size from 19,239 to 35,966 square feet. Each comparable had a basement, central air conditioning, two to four fireplaces and attached or detached two or three-car garages. The comparables sold from June 2005 to December 2006 for prices ranging from \$1,500,000 to \$1,950,000 or from \$298.86 to \$631.07 per square foot of living area. After making adjustments to the comparables for differences from the subject the appraiser was of the opinion the comparables had adjusted sales prices ranging from \$1,494,000 to \$1,584,000. Using this data the appraiser estimated the subject property had a market value of \$1,550,000 as of the assessment date at issue.

The appraiser acknowledged that her comparables 2 and 3 were demolished subsequent to their sales. She considered that fact and testified this indicates the higher contributory value of the land in this vintage home market. She testified these properties are typically demolished in Hinsdale due to the demand for the larger size sites.

The witness testified that she reviewed MLS records for the sale property listed in the board of review's evidence that purportedly sold in January 2005. She testified she did not find any MLS listings relating to that transaction. She also testified that the Hinsdale market peaked in the first half of 2005 and has been in decline as of January 1, 2007.

Under cross-examination the appraiser acknowledged that the neighborhood as she defined it was not the same neighborhood as used by the assessor in the sales ratio study. She also agreed that her location adjustments to the comparables were due to traffic. She also testified that she had never been inside any of the comparables. The witness also agreed that due to declining market conditions she had to expand her parameters and

selected comparables that had large differentials in gross living areas from the subject.

The witness also indicated that there was a high probability that the subject would be torn down. She also indicated her adjustments to the comparables were based on her experience in the Hinsdale market and market derived.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$652,390 was disclosed. The subject's assessment reflects a market value of approximately \$2,080,325 or \$742.97 per square foot of living area using the 2007 three year median level of assessments for DuPage County of 31.36%. To demonstrate the subject was correctly assessed the board of review submitted an analysis prepared by the township assessor's office using the comparable sales contained in the appellant's appraisal and four additional comparables identified by the assessor.

Deputy Township Assessor Wendy Richrath was called as a witness to testify with respect to the comparables. She testified appellant's comparables two and three had partial improvement assessments in 2007 due to the fact the dwellings were demolished. The witness explained that appellant's comparable 1 was larger than the subject and of inferior class due to its construction. She also noted comparable two was inferior to the subject in quality of construction. The witness also was of the opinion that comparable four was of inferior quality to the subject. The witness also noted the comparables were located in different assessment neighborhoods as defined by the assessor.

The board of review also submitted information on four comparables identified by the assessor's office that were improved with single family dwellings of frame, brick or frame and brick construction that ranged in size from 2,620 to 3,585 square feet of living area. The dwellings were of 2-story, part 2 and part 1-story, and 2.5-story design. The homes were constructed from 1887 to 1927. These comparables had total assessments that ranged from \$535,520 to \$777,770 and improvement assessments that ranged from \$364,050 to \$480,340 or from \$29.99 to \$138.95 per square foot of living area. The subject has an improvement assessment of \$367,810 or \$131.36 per square foot of living area. The board of review's evidence also indicated its comparable 1 sold in January 2005 for a price of \$2,750,000 or \$767.09 per square foot of living area. The board of review's witness also indicated that statistics did not indicate that the Hinsdale market was in decline in 2006 and 2007. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under cross-examination the board of review's witness was of the opinion that its comparables were located on arterial streets. The witness also testified that the evidence included only one sale and this property was not inspected nor had the witness been by the property.

In rebuttal, Schmit testified that the board of review's comparables were not located on arterial streets similar to County Line Road.

After hearing the testimony and reviewing the record the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

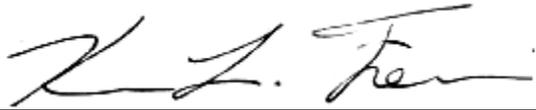
The Board finds the best evidence of market value in the record is the appraisal and the testimony of the appraiser presented by the appellant. The appraiser utilized four comparables located in Hinsdale that sold from June 2005 to December 2006 as the basis for her estimate that the subject had a market value of \$1,550,000 as of the assessment date. The comparables had varying degrees of similarity to the subject that were considered and adjusted for by the appraiser. The Board finds the appraiser's testimony was credible and her ultimate opinion of value well reasoned. The subject's assessment of \$652,390 reflects a market value of approximately \$2,080,325 using the 2007 three year median level of assessments for DuPage County of 31.36%, which is above the appraised value tendered by the appellant.

The Board gave less weight to the board of review's evidence since the primary focus was on demonstrating the uniformity of the subject's improvement assessment. The board of review did indicate that one of its comparables had sold but this could not be verified by the appellant's appraiser and the board of review's witness had not viewed or been by this comparable. The Board finds that one comparable sale was not sufficient to establish the subject's assessment was reflective of its market value.

Based on this record the Property Tax Appeal Board finds the subject property had a market value of \$1,550,000 as of January 1, 2007. Since market value has been established the 2007 three year median level of assessments for DuPage County of 31.36% shall apply.

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.

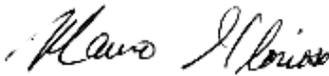
Chairman



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: July 28, 2009



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.