



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

APPELLANT: Robert & Mary Paul
DOCKET NO.: 07-04158.001-R-1
PARCEL NO.: 09-07-404-008

The parties of record before the Property Tax Appeal Board are Robert & Mary Paul, the appellant(s); 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: \$135,190
IMPR.: \$173,706
TOTAL: \$308,896

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 39,583± square foot parcel improved with a two-story style cedar and brick dwelling that was built in 1954 and contains 4,936 square feet of living area.¹ Features of the home include central air-conditioning, three fireplaces and a three-car garage.

The appellants, through Robert Paul, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property with an effective date of November 16, 2007. The appraiser, who was present at the hearing to provide direct testimony and be subject to cross-examination, used the cost and sales comparison approaches in estimating a value for the subject of \$985,000.

¹ The appellant's appraisal depicts the subject as having \$5,252 square feet of living area.

In the cost approach, the appraiser determined a land value of \$275,000 based on prior land sales. The appraiser estimated a reproduction cost new of the improvements of \$752,605. Depreciation of \$53,435 was subtracted from this figure, leaving a depreciated value of the improvements of \$699,170, to which site improvements of \$20,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$994,000, rounded.

In the sales comparison approach, the appraiser examined four comparable properties. The comparables are situated on lots ranging in size from .45-acres to 1.05-acres and are improved with two-story style cedar, cedar and stone, cedar, brick and stone or frame and brick dwellings that ranged between 40 years old and new. The comparables ranged in size from 3,317 to 4,688 square feet of living area. Features of the comparables include central air-conditioning, at least two fireplaces, two or three-car garages and full or partial finished basements. One property is described as having a slab foundation with a recreation room. The comparables sold from April 2006 to November 2006 for prices ranging from \$940,000 to \$1,100,000 or from \$217.89 to \$283.39 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as site, view, quality, size, basement finish, garage size and decks, porches, patios, fireplaces and modernization. After making these adjustments, the comparables had adjusted sales prices ranging from \$974,000 to \$1,077,000 or from \$211.28 to \$324.69 per square foot of living area including land. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$985,000.

In his final reconciliation, the appraiser placed most weight on the sales comparison approach because "it best reflects buyer/seller action in the marketplace." Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$370,760 was disclosed. The subject has an estimated market value of approximately \$1,182,270 or \$239.52 per square foot of living area including land, as reflected by its assessment and DuPage County's 2007 three-year median level of assessments of 31.36%.²

In support of the subject's estimated market value, the board of review submitted property record cards and a grid analysis of six comparables. The comparables consist of frame or brick dwellings that were built between 1922 and 1998 and range in size from

² The \$239.52 per square foot value is based on the subject having 4,936 square feet of living area as depicted on the board of review's grid analysis.

3,285 to 6,390 square feet of living area. The grid analysis depicts four of the properties were renovated from 1961 to 1999. Five of the comparables have central air-conditioning. Each comparable has at least one fireplace and a garage. Four of the properties have a full or partial basement with two having some finished area. Three of the comparables sold from August 2004 to May 2006 for prices ranging from \$800,000 to \$1,365,000 or from \$227.40 to \$270.24 per square foot of living area including land. Based on this evidence the board of review requested the subject's total assessment be confirmed.

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. The Board further finds a reduction in the subject property's assessment is warranted. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the appellants have overcome this burden.

The Board initially finds the best evidence of the subject's size is the property record card submitted by the board of review depicting the subject contains 4,936 square feet of living area. The Board further finds the appellants submitted an appraisal of the subject property in which the subject's market value was estimated to be \$985,000 as of November 16, 2007. The board of review also submitted three comparable sales that sold for prices ranging from \$227.24 to \$270.24 per square foot of living area including land. The Board gave no weight the assessment comparables submitted by the board of review as they do not address the appellants' market value claim.

The Board finds the appellants' appraiser provided credible testimony in support of his appraisal and used a logical and proper adjustment process to account for differences of the four comparables in the appraisal when compared to the subject. The board of review employed no such adjustment process in regards to its comparables. The Board gave less weight to the board of review's comparables because they were dissimilar to the subject in size, basement area and/or too remote in time for the date of sale to support the subject's estimated market value in 2007. The Board finds the best evidence of the subject's market value is found in the version of the subject's appraisal with an effective date of November 16, 2007 as submitted by the appellants. Therefore, the Board finds the subject's market value as of the subject's assessment date of January 1, 2007 is \$985,000.

In conclusion, the Board finds the appellants have demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and

a reduction is warranted. Since fair market value has been established, the 2007 three-year weighted average 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn P. Lerbis

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: January 26, 2010

Allen Castrovillari

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.