



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

APPELLANT: Thomas Barry D'Abar Bldrs.
DOCKET NO.: 07-04159.001-R-1
PARCEL NO.: 09-05-325-030

The parties of record before the Property Tax Appeal Board are Thomas Barry D'Abar Bldrs., 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: \$63,020
IMPR.: \$46,970
TOTAL: \$109,990

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 85 year-old, one-story style frame dwelling that contains 985 square feet of living area. Features of the home include central air conditioning, a full, partially finished basement and a 396 square foot garage. The subject is located in Downers Grove, Downers Grove Township, DuPage County.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal of the subject property, wherein the appraiser estimated the subject's market value at \$300,000 as of the report's effective date of June 23, 2005. In the cost approach, the appraiser estimated the subject's site value at \$235,000 based on her knowledge of the real estate market and "site-to-value ratios for the area." She used the Marshall and Swift Residential Cost Handbook to estimate the subject's reproduction cost, less

depreciation, at \$105,190. The appraisal included a floor plan which indicated the subject dwelling contains 1,059 square feet of living area. The appraiser estimated site improvements at \$10,000, and then added back the site value in concluding a value for the subject by the cost approach of \$350,200.

In the sales comparison approach, the appraiser examined four comparables located 0.25 to 0.99 mile from the subject. The comparables were described as bungalow style dwellings that range in age from 50 to 83 years and range in size from 896 to 1,068 square feet of building area. Features of the comparables include central air conditioning, full basements, one of which is finished with a recreation room and one-car or two-car garages. One comparable has a fireplace. These properties were reported to have sold between November 2004 and April 2005 for prices ranging from \$280,000 to \$315,000 or from \$271.54 to \$351.56 per square foot of living area including land. The appraiser adjusted the comparables for different features when compared to the subject, such as room count, rooms below grade, living area, garage size and "modernization". After adjustments, the comparables had adjusted sales prices ranging from \$292,500 to \$300,700 or from \$273.88 to \$335.60 per square foot of living area including land.

In additional support of the overvaluation argument, the appellant submitted information on eight additional comparable sales. Seven properties consist of five, one-story and two, one and one-half-story brick or frame dwellings that range in age from 53 to 101 years and range in size from 892 to 1,128 square feet of living area. Features of the comparables include central air conditioning, one-car or two-car garages and full or partial basements, four of which have some finished areas. Two comparables have a fireplace. The eighth comparable was described only as a two bedroom, two bath home with a finished basement. No design, exterior construction or other information was provided for this property. The eight comparables were reported to have sold between September 2005 and March 2008 for prices ranging from \$277,500 to \$382,500 or from \$254.43 to \$398.44 per square foot of living area including land. 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 \$109,990 was disclosed. The subject has an estimated market value of \$330,698 or \$335.73 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 33.26%.

In support of the subject's assessment, the board of review submitted a letter, property record cards and a grid analysis of five comparable properties located in the same assessor's assigned neighborhood code as the subject. The board of review's

grid also described five of the appellant's comparable sales. The grid indicated these comparables range in size from 825 to 1,292 square feet of living area. The board of review's comparables consist of one-story style frame dwellings that range in age from 54 to 100 years and range in size from 904 to 972 square feet of living area. Features of the comparables include full unfinished basements and garages that contain from 264 to 528 square feet of building area. These properties sold between August 2005 and June 2007 for prices ranging from \$306,000 to \$382,500 or from \$314.81 to \$398.44 per square foot of living area including land. The board of review's letter indicated three of the appellant's five additional comparables were located in different neighborhoods and market areas than the subject. The subject's property record card included a drawing that indicated the subject dwelling contains 985 square feet of living area. Based on this evidence, the board of review requested the subject's 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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted. The appellant argued overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

The Board first finds the appellant submitted an appraisal which estimated the subject's market value at \$300,000 as of the report's effective date of June 2005. The appraisal was given less weight in the Board's analysis because of its untimely effective date considering the subject's January 1, 2007 assessment date and because its sales comparison approach utilized sales from 2004 and 2005. These sales were also considered unreliable indicators of the subject's market value as of January 1, 2007 assessment date.

The parties submitted 13 comparable sales for the Board's consideration, comprised of the appellant's eight additional comparable sales, along with the board of review's five comparables. The Board gave less weight to the appellant's comparables 1, 4 and 5 because they were significantly larger in living area and/or were newer than the subject or were located in a different assessment neighborhood. The Board also gave less weight to the appellant's comparables 6 and 7 because they differed in design when compared to the subject. The Board further gave less weight to the appellant's eighth comparable (5529 Washington) because sufficient information about the property to determine its comparability to the subject was not provided. Also, this comparable was given little weight because

it was reported to have sold in March 2008, well after the subject's January 1, 2007 assessment date. The Board finds the appellant's comparables 2 and 3 and the board of review's five comparables were similar to the subject in design, size and most features and sold for prices ranging from \$293.52 and \$398.44 per square foot of living area including land. The subject's estimated market value of \$335.73 per square foot of living area including land falls within the range of the most representative comparables in this record. After considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Property Tax Appeal Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct and no reduction is warranted.

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 R. 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: March 23, 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.