



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

APPELLANT: Charles & Elaine Derer
DOCKET NO.: 07-04160.001-R-1
PARCEL NO.: 09-07-412-009

The parties of record before the Property Tax Appeal Board are Charles and Elaine Derer, the appellants, and the DuPage County Board of Review.¹

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: \$117,640
IMPR: \$92,000
TOTAL: \$209,640

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story single family dwelling of brick and cedar exterior construction that contains 1,824 square feet of living area. The subject dwelling has a partial basement that is partially finished, central air conditioning, two fireplaces on one stack and two bedrooms. The property also has a detached two-car garage. The subject dwelling was constructed in 1954 and had an addition in 1977. The property has a parcel with approximately 27,000 square feet and is located in Downers Grove, Downers Grove Township, DuPage County.

The appellants appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$340,000 as of March 19, 2008. The appraisal was prepared by real estate appraiser Scott D. Tegtmeyer of Scott D. Tegtmeyer & Associates, Winfield,

¹ Thomas J. Sisul, Attorney-at-Law, 5120 Main Street, Suite One, Downers Grove, Illinois, filed the appeal on behalf of the appellants but did not appear at the scheduled hearing.

Illinois. The appraiser was not present at the hearing. The report indicated that Tegtmeier is a State of Illinois Certified Residential Real Estate Appraiser. The report stated that the report is to provide the lender/client with an accurate, and adequately supported, opinion of market value of the subject property. In the Addendum the appraisal asserts that the intended use is to evaluate the property that is the subject of the appraisal for a mortgage finance transaction. The lender/client was identified as US Bank Home Mortgage NA. The Addendum also stated that, "The intended user of the appraisal is the Lender/Client." The Addendum further stated, "No additional Intended Users are identified by the appraiser."

At the hearing the appellants explained that the subject property was refinanced in 2008 and the appraisal estimated the subject had a market value of \$340,000 as of March 19, 2008. The appellants did not assist the appraiser and did not view the properties used as comparable sales.

The appraiser developed the sales comparison approach using five comparable sales. The comparables were improved with one-story dwellings that ranged in size from 825 to 1,605 square feet of living area. The homes were described as being of frame or brick and frame construction and ranged in age from approximately 47 to 56 years old. Each comparable had a full or partial basement and four were finished. Each comparable had central air conditioning, three comparables had fireplaces and each comparable a 1-car, 2-car or a 4-car garage. The sales occurred from September 2007 to March 2008 for prices ranging from \$282,500 to \$395,000 or from \$246.11 to \$348.48 per square foot of living area, land included. After making adjustments to the comparables for differences from the subject, the appraiser estimated the comparables had adjusted sales prices ranging from \$339,225 to \$379,865. Based on these sales the appraiser estimated the subject property had a market value of \$340,000 as of March 19, 2008.

Based on this evidence the appellants requested the subject's assessments assessment be reduced to reflect the appraised value.

In rebuttal the board of review pointed out inconsistencies in the adjustments used in the appraisal and the fact the comparables had smaller land areas than the subject property.

At the hearing the board of review objected to the appraisal because the appraiser was not present at the hearing to be cross-examined and because the purpose of the appraisal was for financing. The Board overrules the objection finding the objection will go to the weight given the conclusion of value contained in the appraisal.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$209,640 was disclosed. The subject's assessment reflects a market value of approximately \$630,307 or \$345.56 per square foot

of living area, land included, using the 2007 three year median level of assessments for DuPage County of 33.26%.

In support of the assessment the board of review submitted a grid analysis of the comparables used in the appellants' appraisal and four comparables sales identified by the township assessor's office. The comparable sales used by the board of review were composed of one-story dwellings that ranged in size from 1,092 to 1,581 square feet of living area. The comparables were constructed from 1949 to 1975. Each comparable had a full basement with one being partially finished. Two comparables have central air conditioning, one comparable has a fireplace and each comparable had a garage ranging in size from 484 to 600 square feet. The sales occurred from October 2004 to June 2007 for prices ranging from \$327,900 to \$535,000 or from \$300.27 to \$344.58 per square foot of living area, land included.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony and considering the evidence 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 this record does not support a reduction in the subject's assessment.

The appellants argued 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In support of their market value argument the appellants submitted an appraisal estimating the subject property had a market value of \$340,000 as of March 19, 2008. The Property Tax Appeal Board gives the report little weight. First, the appraiser was not present at the hearing to provide testimony with respect to appraisal methodology and to be cross-examined about the selection of the comparables and the adjustments made. Second, the appraisal was performed for financing purposes and the intended user was identified as US Bank Home Mortgage NA. There was no testimony from the preparer of the document with respect to whether or not the estimated market value of subject property was valid and reliable if used for another purpose by a different user. Third, the effective date of the appraisal was March 19, 2008, approximately 15 months after the assessment date at issue, which further detracts from the validity and reliability of the appraisal in estimating the market value of the subject property as of January 1, 2007.

The Board finds the record does contain raw sales data identified by the township assessor's office that support the subject's assessment. These comparable sales are composed of one-story

dwellings that ranged in size from 1,092 to 1,581 square feet of living area. The comparables were constructed from 1949 to 1975. Each comparable had a full basement with one being partially finished. Two comparables have central air conditioning, one comparable has a fireplace and each comparable had a garage ranging in size from 484 to 600 square feet. The comparables have parcel that range in size from approximately 7,500 to 10,800 square feet of land area. The sales occurred from October 2004 to June 2007 for prices ranging from \$327,900 to \$535,000 or from \$300.27 to \$344.58 per square foot of living area, land included. The subject's assessment reflects a market value of approximately \$630,307 or \$345.56 per square foot of living area, land included, using the 2007 three year median level of assessments for DuPage County of 33.26%. The subject's assessment reflects a unit value slightly higher than range established by the board of review comparables sales but is justified considering the subject has approximately 27,000 square feet of land area, which is from approximately 1.5 to 2.6 times larger than the comparables' land area.

Based on this record 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn P. Lerski

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 3, 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.