FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Thomas & Josette Morel
DOCKET NO.: 07-04162.001-R-2
PARCEL NO.: 09-01-300-031

The parties of record before the Property Tax Appeal Board are Thomas & Josette Morel, the appellants; the DuPage County Board of Review; and School District #86, by attorney Alan M. Mullins of Scariano, Himes and Petrarca of Chicago Heights, intervenor.

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:	$154,480
IMPR.:	$132,190
TOTAL:	$286,670

Subject only to the State multiplier as applicable.

ANALYSIS

Initially, the Board finds that Mr. Mullins did not appear at the scheduled hearing on behalf of the intervenor. Pursuant to Section 1910.69(b) of the Rules of the Property Tax Appeal Board (86 Ill.Adm.Code 1910.69(b)), the Board finds the intervenor to be in default.

The subject property consists of a single family dwelling of frame and brick exterior construction that was built in 1957 and 1961. Features of the home include a walkout basement with average finish, central air conditioning, a fireplace and a two-car built-in garage. The subject property has lot with approximately 15,000 square feet and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant, Thomas Morel, appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. The appellant argued that there has been an error in identifying the type of property the subject actually is. He testified that he had an appraisal commissioned at the direct suggestion of the

assessor to demonstrate that the subject property was overvalued. In support of his argument the appellant submitted an appraisal prepared by Susuan L. Schmit of M.J. Roney & Associates. Schmit was called as a witness on behalf of the appellant.

Schmit testified that she is an Illinois certified residential appraiser. She has been an appraiser since 1993 and has worked primarily in DuPage County. She testified that her office is located in Hinsdale and a majority of their work is in the immediate Hinsdale neighborhood. She testified that she has performed over 1,000 residential appraisals.

She testified that she prepared an appraisal of the subject property in November 2007 with an effective date of January 1, 2007. The witness testified the property is located at the end of a cul-de-sac on an irregular-shaped lot with approximately 15,000 square feet. She described the subject property as being improved with a split-level home built in 1957 and expanded in 1961. She testified that the main level of the dwelling has a living room, dining room, and kitchen while the upper level has the bedrooms. The witness testified she measured the home based on ANSI (American Numeric Standards Institute) standards and Fannie Mae guidelines, which basically provide that anything below the level of the front door is not considered living area unless fully at grade. According to the witness the lower level of the property is not fully at grade and was not included in the living area. She measured the subject dwelling as having 2,566 square feet of gross living area. The witness explained that the lower level is partially below grade and is partially at grade in the rear. She also testified there is an additional small basement under the first level of the home. Schmit considered the dwelling a split-level living property and compared it to homes that would have similar appeal in the Hinsdale market.

The witness determined the highest and best use of the subject property is as single-family residential based on the Hinsdale market and market appeal of split level properties. She testified that split level properties have inferior appeal and are typically more depreciated than other homes of more traditional styles.

In estimating the market value of the subject property the appraiser developed the sales comparison approach using homes that would have similar market appeal, meaning they would have lesser utility and appeal than traditional two-story homes. Ultimately the appraiser used five comparable sales composed of two split level dwellings, two ranch style dwellings and a two-story home. She testified that she did not inspect the comparables but drove by the comparables and utilized the Multiple Listing Service. The comparables were of frame and brick construction and further described as being of average quality of construction like the subject. The dwellings ranged in size from 1,779 to 3,267 square feet of living area and were somewhat similar to the subject in age. Each comparable had a

basement with three being described as having rooms below grade with average finish. Each of the comparables had central air conditioning. The comparables had either 1 or 4 fireplaces. Each of the properties had a 1 or 2-car attached garage. The comparables were located in Hinsdale and had parcels that ranged in size from 9,976 to 16,820 square feet. The sales occurred from February 2006 to November 2006 for prices ranging from $621,000 to $932,500 or from $226.64 to $373.81 per square foot of living area. The appraiser testified with respect to the attributes of the comparables and the adjustments made to account for differences from the subject. She testified the adjustments were based on a bracketing system such as site size, gross living area and basement finish. She stated the adjustments were primarily market derived, based on her experience in the market and working with local realtors. The comparables had adjusted prices ranging from $843,000 to $866,500. Based on this data the appraiser estimated the subject had a market value of $860,000 as of January 1, 2007.

Schmit testified that the cost approach was not developed because the subject is an older home and depreciation levels are very subjective. The income approach was not used due to the lack of income properties in the town. The witness was of the opinion her comparable one was the most similar comparable, even though it is a two-story dwelling, because of its recent closing date in November 2006, its similar lot size and proximity to the subject.

Under cross-examination the witness testified a ranch style dwelling and a split level would have similar appeal in most markets. She further explained comparables 3 and 5 have inferior locations due to arterial streets. She further testified that the adjustments that were made are still subjective and based on experience. She stated that they don't have matched pairs in this type of market so they have to use experience, conversations with realtors and local data. The witness also testified that two comparables, #3 and #4, were razed and replaced with new construction following the sales. The witness further testified that she did not consider the lower level as living area because it was below grade and it has very low ceiling heights.

Based on the appraisal the appellant requested the subject's assessment be reduced to $286,667.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling $431,960 was disclosed. The subject's assessment reflects a market value of approximately $1,295,880.

In support of the assessment the board of review submitted Exhibit #1 containing comparables selected by the township assessor's office and an analysis of the comparables submitted with the appellant petition that was also prepared by the township assessor's office. The board of review called as its witness Downers Grove Township Chief Deputy Assessor Joni Gaddis.

At the hearing Gaddis introduce additional exhibits, #1A, #2, #3 and #4, to clarify and correct what was previously submitted by the board of review.

The board of review provided information on five comparables located in Hinsdale composed of a one-story dwelling, a two-story dwelling and three part two and part one-story dwellings. The homes range in size from 1,902 to 3,595 square feet of living area. The comparables were originally built from 1951 to 1959 with additions in subsequent years. Each comparable had a basement, with two being partially finished. Each comparable had a garage ranging in size from 420 to 824 square feet. These properties had improvement assessments that ranged from $193,290 to $295,880 or from $75.19 to $101.62 per square foot of living area. Adjustments were made to the comparables to account for differences from the subject using the Illinois Real Property Appraisal Manual. Based on this analysis the comparables had adjusted improvement assessments ranging from $75 to $97 per square foot of living area, rounded. The assessor's office described the subject as a part two and part one-story dwelling with 3,698 square feet. The subject has an improvement assessment of $277,480 or $75.04 per square foot living area using the assessor's estimate of size.

The record disclosed that assessor's comparables 1, 2 and 3 also sold from January 2006 to August 2007 for prices ranging from $1,075,000 to $1,460,000 or from $347.67 to $683.49 per square foot of living area. The property at the high end of the range on a per square foot basis was a one-story dwelling. The subject's assessment reflects a market value of $350.43 per square foot of living area using the board of review's contention the subject dwelling has 3,698 square feet of living area.

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 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 was presented by the appellant. The appellant submitted an appraisal and called the appraiser, Susan L. Schmit, as a witness. Schmit estimated the subject had a market value of $860,000 as of January 1, 2007. The evidence disclosed that Schmit had experience in appraising residential property in the Hinsdale area since 1993. In estimating the market value of the

subject property she utilized five comparables sales that had varying degrees of similarity to the subject. During her testimony she provided credible testimony with respect to her selection of the comparable sales and the adjustment process to make the comparables similar to the subject property.

There was a dispute with respect to the characterization of the subject property as a split level dwelling verses a part two-story and part one-story dwelling. Photographs of the subject property contained in the appraisal submitted by the appellant demonstrate that the description of the subject property provided by the appraiser is reasonable. These photographs depict a dwelling more in the nature of a split level home rather than a traditional part one and two-story dwelling as described by the board of a review.

The Board also finds that although the board of review submitted comparables primarily to demonstrate the subject was equitably assessed, three comparables did sell but did not demonstrate the subject's assessment was reflective of the property's market value. The two most similar comparables submitted by the board of review that sold were two multi-story properties that sold in January 2006 and August 2007 for prices of $1,460,000 and $1,075,000 for $406.12 and $347.67 per square foot of living area, respectively. The subject's assessment reflects a market value of $1,295,880 or $505.02 per square foot of above grade living area, when using Schmit's estimate of 2,566 square feet of gross living area, which is above the range established by the two sales submitted by the board of review. These sales also tend to demonstrate the subject's assessment is excessive in relation to the property's market value.

In conclusion the Property Tax Appeal Board finds the best evidence of market value in the record was presented by the appellant estimating the subject property had a market value of $860,000 as of January 1, 2007, and a reduction in the assessment is accordingly 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.

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: October 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.