



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

APPELLANT: Mark & Thomas Spelson
DOCKET NO.: 07-04176.001-R-1
PARCEL NO.: 09-05-403-010

The parties of record before the Property Tax Appeal Board are Mark & Thomas Spelson, the appellants, 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: \$74,910
IMPR.: \$43,160
TOTAL: \$118,070

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 11,200 square feet has been improved with a split-level frame exterior constructed dwelling built in 1972. The dwelling consists of 1,204 square feet of living area with a partial basement of 1,104 square feet that is partially finished, central air conditioning, and a detached two-car garage of 484 square feet of building area. The subject property is located in Downers Grove, Downers Grove Township, DuPage County, Illinois.

The appellants' appeal is based on overvaluation of the subject property. In support of this market value argument, the appellants submitted an appraisal prepared by John Genis and supervised by Steven S. Albert. The appraiser used two of the three traditional approaches to value in concluding an estimated market value of \$340,000 for the subject property as of January 1, 2007.

The appraiser reported the subject dwelling contained 1,250 square feet of living area and although the dwelling's actual age

was 36 years old, the appraiser opined it had an effective age of 5 years.

Under the cost approach, the appraiser estimated the subject's land value at \$125,000 based on MLSNI data and abstraction method. Using a nationally known cost service manual, builders estimates and the appraiser's knowledge of area building costs, the appraiser determined a reproduction cost new for the subject dwelling including the basement, garage, porch and deck of \$190,042. Physical depreciation of \$20,737 was calculated due to normal wear and tear resulting in a depreciated value of improvements of \$169,305. Next, a value for site improvements of \$10,000 was added. Thus, under the cost approach, the appraiser estimated a market value of \$304,300 for the subject.

Under the sales comparison approach, the appraiser used sales of four comparable homes located between 0.31 and 0.87 miles from the subject property. The comparables consist of a split level and three one and one-half-story, frame or brick exterior constructed dwellings which were from 36 to 84 years old. The comparables ranged in size from 1,204 to 1,394 square feet of living area. Each of the comparables had a full or partial basement, two of which were finished, central air conditioning, and a one-car or two-car garage. One comparable also had a fireplace. These comparables sold between April and December 2006 for prices ranging from \$298,000 to \$355,000 or from \$222.22 to \$294.85 per square foot of living area including land. In comparing the comparable properties to the subject, the appraiser made adjustments for exterior construction, age, above grade area, room count, size, basement size and finish, garage stalls and other amenities. In the addendum, the appraiser wrote that sales #2, #3 and #4 did not ideally match the subject's actual age and thus a 5% age adjustment was applied; the addendum also reported that sale #1 was north of Ogden Avenue, but was included to "illustrate a home of similar age, and style." The analysis resulted in adjusted sales prices for the comparables ranging from \$314,000 to \$360,000 or from \$233.14 to \$299.00 per square foot of living area, land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$340,000 or \$272.00 per square foot of living area including land based on the appraiser's determination that the dwelling contains 1,250 square feet of living area.

In his final reconciliation, the appraiser concluded an estimate of value of \$340,000 since the sales comparison approach best reflects the market.

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$101,435 which would reflect a market value of approximately \$304,305.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$139,510 was disclosed. The final assessment of the subject property reflects a market value of \$419,450 or \$348.38 per square foot including

land using the 2007 three-year median level of assessments for DuPage County of 33.26%.

In response to the appellants' appraisal, the board of review noted that sale #1 concerned a property with a smaller basement than the subject that was unfinished according to the assessor's records. As to sale #2, the board of review reports the dwelling contains only 855 square feet of living area, not the 1,341 square feet reported in the appraisal, and has no central air conditioning and no basement finish, again contrary to the appraiser's report. The board of review also asserts sale #3 in the appraisal has no central air conditioning, contrary to the appraiser's report. For sale #4 the board of review contends there is no garage and no central air conditioning, despite what the appraiser reported. Property record cards and property print outs were submitted for each of the sales in the appraisal.

In support of the subject's estimated market value based on its assessment, the board of review presented a grid analysis of four comparable properties said to be within the subject's neighborhood code assigned by the assessor; the subject's split level design was noted as "one-story" in the grid. The data includes limited descriptions of the four properties and sales data on three properties. The three comparables with sales information were reported as one-story dwellings of frame or masonry construction that ranged in age from 33 to 50 years old. The dwellings contain from 1,000 to 1,232 square feet of living area and feature full or partial basements, two of which have finished area, and garages ranging in size from 440 to 672 square feet of living area. These properties sold between June 2006 and August 2007 for prices ranging from \$352,000 to \$435,000 or from \$292.36 to \$360.00 per square foot of living area including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's market value as reflected by its assessment.

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 that a reduction in the subject's assessment is warranted.

The appellants argued that the subject's assessment was not reflective of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board finds the appellants submitted an appraisal of the subject property with a final value conclusion of \$340,000, however, the Board finds there were substantial errors in the

size and features of the comparable sales properties as reported in the appraisal. These errors detract from the appraisal's reliability as a valid indicator of the subject's estimated market value as of January 1, 2007. Due to these substantial differences between the subject property and some of the suggested comparable sales presented in the appraisal, the Board finds that it cannot rely upon the appraisal's opinion of value and will instead examine the raw sales data submitted by both parties.

The Board finds the most similar sales comparables on this record are appellants' sale #1 and board of review sale #3 which were similar to the subject in age, size, exterior construction, and partially finished basement. These comparables sold in August and December 2006 for prices of \$292.36 and \$294.85 per square foot of living area, land included. The subject has an estimated market value based on its assessment of \$419,450 or \$348.38 per square foot including land which is substantially higher than the most similar comparable sales on this record on a per-square-foot basis.

Based upon the market value of the most similar comparables on this record, the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted. Since a market value of \$354,990 or \$294.84 per square foot of living area, land included, has been established by the most similar comparables on the record, the three-year median level of assessments for DuPage County for 2007 of 33.26% shall be applied.

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: April 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.