FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Frank & Vicky Voltaggio
DOCKET NO.: 07-04358.001-R-1 through 07-04358.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Frank & Vicky Voltaggio, the appellants; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-04358.001-R-1	05-14-225-005	77,780	235,010	$312,790
07-04358.002-R-1	05-14-225-006	36,890	0	$36,890

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two parcels containing a total of 24,609 square feet of land area improved with a two-story single family residence with brick exterior construction. The dwelling was built in 1948 and contains 4,230 square feet of living area. Features include air-conditioning, a fireplace and a 728 square foot attached garage.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of these claims, the appellants submitted a grid analysis detailing three comparable properties and an appraisal with an effective date of December 31, 2007. The equity comparables are located from next door to the subject to across the street from the subject. They are described as two-story frame or brick and frame dwellings that were built in either 1950 or 2005. Each comparable has central air conditioning, a fireplace and a garage ranging from 480 to 1,119 square feet of building area. One comparable has a partial basement and two have a full basement with one having one-half of its full basement finished with a recreation room.

The homes range in size from 3,030 to 4,531 square feet of living area. The homes sold from December 2005 to June 2007 for prices ranging from $820,000 to 1,750,000 or from $265.54 to $386.23 per square foot of living area, including land. The properties had total assessments ranging from $280,880 to $545,060. The appellants argued that the comparables were assessed from 29.5% to 30.2% of their 2006 and 2007 sale price. The subject property has an improvement assessment of $235,010 or $55.56 per square foot of living area. The two parcels have land assessments of $77,780 and $36,890, respectively or a total land assessment of $114,670. The appellants requested an assessment equal to 30% of the subject's fair market value commensurate with the appraised value of $925,000.

In support of overvaluation argument, the appellants submitted an appraisal of the subject property with an effective date of December 31, 2007. The appraisal was prepared by William Shonkwiler, a State of Illinois Certified General Real Estate Appraiser. The appraiser used the sales comparison approach and cost approach in estimating a value for the subject of $925,000. The appraiser examined six comparable properties. The comparables are situated on lots ranging in size from 12,160 to 22,185 square feet of land area and are improved with single family dwellings. The design, exterior and age of each comparable was not disclosed. The comparable sales reportedly ranged in size from approximately 3,198 to 3,820 square feet of living area. Detailed features of the comparables such as air-conditioning and fireplaces were not disclosed. The comparables had from two to four car garages and each had a basement with four having some finished area. Proximity of location to the subject was also not disclosed. The comparables sold from February 2006 to July 2007 for prices ranging from $825,000 to $1,175,000 or from $235.61 to $331.92 per square foot of living area, including land.[1] The appraiser adjusted the comparables for differences when compared to the subject. Detailed adjustments were not disclosed. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of $925,000.

The appraiser also utilized a cost approach to value to estimate the subject's fair market value. The cost approach depicts an improvement cost new of $617,725. Adding a site value $35,000 resulted in an improvement cost new of $652,725. Depreciation of $293,726 was subtracted to arrive at a replacement cost new of 358,999. An estimated land value of $600,000 was added to the replacement cost new to arrive at an indicated value by the cost approach of $958,999, or $960,000, rounded. No explanation was provided as to how the depreciation or land values were determined.

[1] The per-square foot sales price using the reported approximate square feet of living area as found in the appraisal, page 19.

In his final reconciliation, the appraiser placed most weight on the sales comparison approach. Based on this evidence, the appellants 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 $349,680 was disclosed.[2] In support of the subject's assessment, the board of review submitted a letter from the Milton Township assessor, photographs, a map, a sales ratio report and a grid analysis detailing the appellant's three comparables, three of the appraiser's comparables and the assessor's three comparables. The comparables are located in the subject's neighborhood code, as assigned by the local assessor. The assessor's comparables are two-story frame or brick and frame dwellings built from 1940 to 1967. Each comparable has central air-conditioning, at least one fireplace, a partial basement and a garage ranging in size from 440 to 648 square feet of building area. One of the comparables has some finished basement area. The homes range in size from 4,114 to 4,581 square feet of living area and are situated on lots ranging in size from 12,236 to 29,375 square feet of land area. One of the comparables sold in July 2004 for $940,000 or $219.68 per square foot of living area, including land.

The board of review also submitted a grid analysis of the appraiser's comparables. Three of the comparables were depicted as being in the same neighborhood as the subject. The homes consisted of 1.5-story or 2.0-story brick or frame dwellings that were built from 1926 to 1966. Five of the comparables had central air-conditioning. Each comparable had a fireplace and three had a garage ranging from 360 to 483 square feet. Each comparable also had a partial or full basement with four having some finished basement area. The board of review argued that the appraiser's comparable #1, #2 and #5 were dissimilar to the subject in design and comparables #2, #4, #5 and #6 were in a different neighborhood than the subject. The six comparables had market values as reflected by their assessments ranging from $677,580 to $1,134,000 or from $226.12 to $320.34 per square foot of living area, including land. The subject's total assessment of $349,680 reflects an estimated market value of approximately $1,051,353 or $248.55 per square foot of living area, including land, using the 2007 three year median level of assessments of 33.26% for DuPage County as determined by the Illinois Department of Revenue.

The board of review also submitted a sales ratio report. The sales ratio depicted 145 sales occurring in the subject's neighborhood from January 2004 to December 2006. The ratio study depicted ratios ranging from 21.73% to 53.42%, a mean sales ratio of 33.99% and a median of 33.41% with a coefficient of dispersion of 9.08%. Based on this evidence, the board of review requested confirmation of its assessment.

[2] Total assessment includes both parcels under appeal.

In rebuttal, the appellants argued that the board of review's comparable #1, as submitted by the assessor, was granted a reduction in its assessment to reflect a market value of $934,560. In addition, the appellants argued the assessor did not account for the water conditions impacting the subject. The appellants further argued that comparable #3 contained an indoor swimming pool and each comparable had a basement, unlike the subject. The appellants next argued that the board of review's sales ratio study depicts that only 42 of the 145 properties were within 32% to 34% of their fair market values as represented by their sale prices and that 67% of the homes were outside of the 33-1/3% statutory requirement.

After hearing the testimony and considering the evidence the Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant contends assessment inequity as one basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not met this burden.

The Board gave little merit to the market and assessment statistical analyses submitted by the appellants. First and foremost, the Board finds the properties relied upon by the appellants failed to list a detailed description of each property from which the Board can make valid comparisons. The appellants attempted to demonstrate the subject's assessment was inequitable and not reflective of market value because of the ratio of sales prices as compared to each assessment varied. The Board finds these types of analyses are not an accurate measurement or a persuasive indicator to demonstrate an assessment inequity by clear and convincing evidence or overvaluation by a preponderance of the evidence. There was no credible evidence showing the market activity described by the appellants in these various analyses are indicative of the subject's fair market value. The Board finds rising or falling assessments or sale prices from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed or overvalued. Actual assessments and sale prices of properties together with their salient characteristics must be compared and analyzed to determine whether uniformity of assessments exists or if a particular property is overvalued. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior assessments.

Therefore, the Board finds the appellants' have not shown by clear and convincing evidence that the subject is inequitably assessed and no reduction is warranted on this basis.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence presented by both parties.

The appellants also 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. 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 submitted an appraisal of the subject property in which the subject's market value was estimated to be $925,000 as of December 31, 2007. The board of review relied upon the comparables submitted by the appellants' appraiser and one additional sale. The appellants also submitted three additional sales in their grid analysis.

The Board finds the appraisal and supporting testimony by the appraiser was not credible. The appraisal lacked detailed information regarding the property characteristics of each sale such as exact size, design, exterior construction and proximity to the subject. In addition, detailed information regarding the adjustments made to each comparable and/or the reasons therefore were not disclosed. Further, the Board finds the appraiser did not support his final value conclusion with credible testimony regarding his methodologies at the hearing. Therefore, the Board will rely on the raw sales data contained within the appraisal and the grid analysis as presented by both parties in its final analysis. The Board gave less weight to all three of the appellants' comparables, five of the appraiser's comparables and two of the assessor's comparables. The Board finds these properties were dissimilar to the subject in location, design, size and or age when compared to the subject. The Board gave more weight to the assessor's comparable "B" and the appraiser's comparable #3. The Board finds these properties were most similar to the subject in location, age, design and size. These two properties sold for $940,000 and $1,125,000 or for $219.68 and $310.95, respectively, per square foot of living area, including land. The subject's assessment reflects a market value of approximately $1,051,353 or $248.55 per square foot of living area, including land, which is within the range established by the most similar comparables submitted by either party into this record.

In conclusion, the Board finds the appellants have not 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 correct and a reduction is not warranted.

Based on this analysis, the Property Tax Appeal Board finds the appellants have not demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence. Further, with regards to the appellants' overvaluation argument, the Board finds the appellants failed to prove by a preponderance of the evidence the subject's assessment was incorrect.

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: May 20, 2011

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.