



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

APPELLANT: John & Maureen Grace
DOCKET NO.: 07-04379.001-R-2
PARCEL NO.: 09-01-203-012

The parties of record before the Property Tax Appeal Board are John & Maureen Grace, 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:

**LAND: \$143,460
IMPR.: \$284,540
TOTAL: \$428,000**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 105-year old, two-story frame single-family dwelling containing 3,334 square feet of living area. The original portion of the dwelling was designed as a one and one-half-story home, but a 1995 addition of 1,954 square feet converted the dwelling to a two-story design. Features include a full basement,¹ central air conditioning, two fireplaces,² and an 864 square foot garage. The property also has a finished attic and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellants contend that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. In support of the market value argument, the appellants submitted an appraisal prepared for a "refinance transaction" estimating the subject property had

¹ The appraisal reports the basement is 50% finished whereas the assessor reports an unfinished basement.

² The assessor reported only one fireplace whereas the appellants and appraiser both reported the subject having two fireplaces.

a market value of \$975,000 as of December 12, 2006. The appraiser developed the sales comparison approach to value to estimate a value for the subject and noted that there was external obsolescence "due to being located on a busy street."

In describing the dwelling, the appraiser noted the dwelling was built in 1905, but had an effective age of 30 years old. The appraiser also described the subject's full basement as being 50% finished and that the dwelling had two fireplaces. The appraiser calculated the subject's improvement size at 3,065 square feet of living area with a schematic included to show the calculations.

In the sales comparison approach, the appraiser utilized three comparable sales that sold between July and September 2006 for prices that ranged from \$700,000 to \$1,025,000 or from \$267.06 to \$331.50 per square foot of living area, land included. The properties were located from .28 to .57-miles from the subject and were improved with "Colonial," "Georgian," and "Traditional" single-family masonry or frame and masonry dwellings which based on their photographs were of two-story design. The dwellings range in age from 55 to 81 years old with effective ages ranging from 12 to 55 years old. The dwellings range in size from 2,390 to 3,092 square feet of living area and feature finished basements with recreation rooms and a bathroom, central air conditioning, and one or two-car garages. Two comparables have fireplaces. After making adjustments to the properties for site size, location, dwelling size, lack of a finished attic, garage size, and differences in fireplaces, the appraiser had adjusted sales prices ranging from \$940,000 to \$1,038,000 or from \$323.91 to \$397.49 per square foot of living area. The appraiser noted that comparables #1 and #2 due to their location on Garfield Avenue were deemed equal to the subject in location. Sale #3 was noted to have a superior location on a side street, but was included due to its recent purchase date and similar lot size. After considering all three sales, the appraiser estimated the subject's market value to be \$975,000 or \$318.11 per square foot of living area, land included, as of December 12, 2006 and based on the appraiser's size determination of 3,065 square feet of living area for the subject dwelling.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$428,000 was disclosed. The subject's assessment reflects a market value of \$1,286,831 or \$385.97 per square foot of living area, land included, using the 2007 three-year median level of assessments for DuPage County as determined by the Illinois Department of Revenue of 33.26%.

In response to the appraisal data, the board of review contends based on the assessor's records that each of the sales comparables presented by the appraiser had partial unfinished basements. The board of review also reported a re-sale of sale #3 in August 2007 for \$1,075,000 or \$347.67 per square foot of living area, land included.

The board of review submitted a total of four comparable sales located in the same neighborhood code assigned by the assessor as the subject. The board of review included property characteristics and a schematic drawing of the subject reporting the subject dwelling to contain 3,334 square feet of living area. The comparable properties were improved with two-story, frame or masonry, single-family dwellings that ranged in age from 15 to 109 years old. The dwellings ranged in size from 2,442 to 3,604 square feet of living area and featured full or partial basements, one of which was 50% finished, and garages ranging in size from 399 to 600 square feet of building area. Drawing data from the attached property record sheets, the comparables had one or two fireplaces; three had central air conditioning; and one had a finished attic. The properties sold between August 2004 and September 2007 for prices ranging from \$1,210,000 to \$2,400,000 or from \$335.74 to \$730.37 per square foot of living area, land included. As a result of its analysis, the board of review requested confirmation of the subject's estimated market value as reflected by its total assessment.

In written rebuttal, the appellants reiterate their contention that the subject dwelling contains 3,065 square feet of living area based on the schematic prepared by the appraiser and included in the appraiser's report. As to board of review comparable #3, the appellants contend that a 600 square foot apartment with bathroom above the garage was not disclosed in the board of review's evidence presented to the Property Tax Appeal Board. Based on this contention, the appellants argue that this comparable is not similar to the subject single-family dwelling.

As to board of review comparable #1, while the Downers Grove Township "Residential PRC" described this comparable, the building calculation card and schematic referenced a different parcel located at 422 Ravine. Based on this confusion in the documentation, the appellants request that no data concerning board of review's purported comparable #1 be considered on this record. Moreover, since comparable #1 sold in September 2007 and appellants understood sales occurring in 2007 for this 2007 assessment appeal were not proper for presentation, the appellants again request that the sale not be considered. The remainder of the appellants' rebuttal evidence on market value related to the size dispute and the sales price "averages" of the comparables with continuing questions about what property was being presented by the board of review based on the previous arguments outlined above.

Lastly, the appellants addressed the assessment equity argument presented by the board of review. Since the appellants' appeal was related solely to market value, the Board will not further consider this issue.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this 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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that the evidence indicates a reduction is not warranted.

The Board finds that the best evidence of the subject's living area square footage was presented by a schematic drawing presented by the board of review and thus the Board concludes the subject dwelling contains 3,334 square feet of living area. The appraiser's schematic is not logically drawn when there are two living areas of 41 feet by .2 feet. The schematic prepared by the township assessor is logically drawn to conclude a total living area of 3,334 square feet.

The Board finds the appellants submitted an appraisal of the subject property with a final value conclusion of \$975,000, while the board of review submitted comparable sales data in support of the subject's assessment. The Board finds the value conclusion of the appraisal, \$975,000 or \$318.11 per square foot of living area, land included, is not supported by the adjusted sale prices of the three comparables as set forth by the appraiser. After adjusting the three comparable sales to make them more similar to the subject property, the appraiser concluded adjusted sales prices ranging from \$323.91 to \$397.49 per square foot of living area, land included. Despite these findings, the appraiser inexplicably concluded an estimated market value for the subject that was less on a per-square-foot basis than the most similar adjusted comparable sales prices as determined by the appraiser. The Board finds that the appraiser's value conclusion, in light of the comparable adjusted sales prices, lacks credibility and has not been supported by the appraiser's own comparable sales approach analysis. The failure to conclude, without further explanation, an opinion of value within the range of the most similar adjusted sales prices detracts from the appraisal's reliability as a valid indicator of the subject's estimated market value as of January 1, 2007. Due to this lack of credibility, 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 the appraisal's sales and board of review sales #1 and #4 which were most similar to the subject in effective age, design, size, exterior construction, and amenities. These comparables sold between June 2005 and September 2007 for prices ranging from \$267.06 to \$400.47 per square foot of living area, land included. The subject has an estimated market value based on its assessment

of \$1,286,831 or \$385.97 per square foot including land which is within the range of 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 not 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

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerbis

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 21, 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.