



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

APPELLANT: Kevin Walsh
DOCKET NO.: 07-04525.001-R-2
PARCEL NO.: 09-01-120-005

The parties of record before the Property Tax Appeal Board are Kevin Walsh, the appellant, the DuPage County Board of Review; and School District #86 intervenor, by attorney Alan M. Mullins of Scariano, Himes and Petrarca in Chicago.

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: \$100,000
IMPR.: \$65,000
TOTAL: \$165,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 9,212.93 square feet of land is improved with a 52-year old, one-story frame single-family dwelling containing 1,649 square feet of living area. The property also features a two-car garage of 440 square feet of building area and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant contends 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 appellant submitted an appraisal along with a Market Analysis and a Marketing Proposal.

The appraisal was prepared by Patrick A. Walsh, a licensed appraiser, from Palos Hills for the purpose of estimating the market value of the real property "for use in a mortgage finance transaction" according to the report even though the client was said to be the appellant/taxpayer. The appraiser calculated the subject's improvement size at 1,662 square feet of living area with a building sketch to support the estimated size. The

appraiser also noted the property is located to the north of a cemetery, to the south of a medical building, and the subject's front property is used as a turnaround for the dead end street.

To arrive at an estimate of value, the appraiser developed the sales comparison approach utilizing three comparable sales located from .76 to 1.9-miles from the subject property. The comparables sold from January to July 2007 for prices that ranged from \$250,000 to \$399,000 or from \$283.33 to \$366.73 per square foot of living area, land included. The properties are improved with two, one-story and one, one and one-half-story single-family dwellings. Based on photographs, the comparables appear to have frame exterior construction like the subject. The dwellings range in age from 49 to 79 years old and range in size from 864 to 1,260 square feet of living area. Two comparables have full basements, one of which is finished, and one comparable has a fireplace. Each comparable has a one-car or two-car garage.

After making adjustments to the comparables for location, lot size, room count, dwelling size, basement, basement finish, garage size and fireplace, the appraiser concluded adjusted sale prices for the three comparables ranging from \$245,980 to \$379,740 or from \$256.37 to \$349.03 per square foot of living area, land included. The appraiser further reported that all of the comparables were adjusted for their superior location as compared to the subject. Based on the data, the appraiser estimated a value for the subject of \$325,000 or \$195.55 per square foot of living area, land included, as of October 31, 2007 based on the appraiser's size determination of 1,662 square feet of living area. The appraiser noted the opinion of market value was placed at the "lower end of the value range" because of the subject's location next to a cemetery, office building and lack of a vehicle turnaround on the dead end street.

Appellant also submitted a Market Analysis prepared by Dawn McKenna of Coldwell Banker Residential Brokerage dated in April 2008 indicating a "price point" for the subject property "in today's market place." Based on data gathered on 33 properties, seven of which sold and the others of which were listings, the analyst set forth a suggested listing price of \$325,000.

Lastly, appellant submitted a Marketing Proposal prepared by Chris Crawford of Crawford Group. The analyst considered seven sales, one pending sale and sixteen listings to suggest a listing price for the subject property in April 2008 of \$299,500.

Based on the foregoing evidence, the appellant requested a 2007 assessment reduction to \$108,333 or to reflect a market value of approximately \$325,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$236,200 was disclosed. The subject's assessment reflects an estimated market value of \$710,162 or \$430.66 per square foot of living area, land included, based on a dwelling size of 1,649 square feet, using

the 2007 three-year median level of assessments for DuPage County as determined by the Illinois Department of Revenue of 33.26%. In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a spreadsheet with four comparable sales and reiterating two of the sales set forth in the appellant's appraisal. During the time for its submission of evidence, the intervenor, School District #86, adopted the county's evidence and argument in this appeal.

To support the dwelling size, the board of review submitted a property data sheet and a schematic drawing that the subject dwelling contains 1,649 square feet of living area.

The four comparable sales presented by the board of review were described as one-story brick single-family dwellings that ranged in age from 35 to 54 years old. Three of the comparables were said to be in the same neighborhood code assigned by the assessor as the subject property. The dwellings ranged in size from 1,076 to 1,620 square feet of living area. One comparable had a full basement; two comparables had a partial basement, one of which was 50% finished; and one comparable had no basement. Each of the comparables was said to have a garage ranging in size from 308 to 580 square feet of building area. From the underlying data sheets, it appears that each comparable featured a fireplace not enjoyed by the subject property. The board of review also noted in its evidence that each of the comparables it presented are of brick exterior construction and would need downward adjustments given the subject's frame exterior construction. The four properties were reported to have sold between February 2004 and April 2006 for prices ranging from \$465,000 to \$565,000 or from \$348.77 to \$447.95 per square foot of living area, land included. It is also noted from the underlying data sheets that board of review comparable #2 re-sold in October 2007 for a lesser price of \$500,000 or \$426.62 per square foot of living area, land included.

As to the sales in the appellant's appraisal, the board of review noted that sale #1 was substantially smaller than the subject dwelling and also had a smaller garage, although the lot was somewhat similar in size. Sale #3 in the appraisal was again noted to be smaller than the subject dwelling with a full basement and a smaller garage than the subject.

As a result of its analysis, the board of review concluded in its evidence that "the subject could be adjusted downward to the \$500,000 to \$600,000, as indicated by the Assessor's Comp 1, which seems the most similar due to no basement. The Appellant's opinion of \$108,330 (\$325,030 MV) would be a gross under assessment of the property."

In written rebuttal, the appellant noted that the certified real estate appraiser who performed the appraisal submitted in this matter was appellant's father. Moreover, appellant reported that the subject property was listed for sale in early 2009 for \$429,900 with the only offer thus far being for \$300,000.

Appellant further disagreed with the board of review's conclusion that a downward adjustment to \$500,000 to \$600,000 was justified on the record.

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.

The Board finds the best evidence of the subject's dwelling size was presented by the board of review. Thus the Board concludes the subject dwelling contains 1,649 square feet of living area.

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 warranted.

The appellant submitted an appraisal of the subject property with a final value conclusion of \$325,000. In determining the fair market value of the subject property, the Property Tax Appeal Board finds the appellant's appraisal's final opinion of value cannot be relied upon. In the appraisal, the comparables chosen were distant from the subject. In addition, none of the comparables was very similar to the subject in size; each was substantially smaller ranging from 864 to 1,260 square feet of living area whereas the subject contains 1,649 square feet of living area and according to the appraiser contains 1,662 square feet of living area. More importantly, the appraiser made adjustments to the three chosen sales comparables which resulted in adjusted sales prices ranging from \$256.37 to \$349.03 per square foot of living area, land included, but yet the appraiser concluded a value for the subject at the size of 1,662 square feet using these very comparables that was equivalent to \$195.55 per square foot of living area, land included, less than any of the adjusted comparables on a per-square-foot basis. While the appraiser noted the opinion of market value was placed at the "lower end of the value range" because of the subject's location, in reality the subject was placed at a value substantially below the value range. Based on the foregoing, the Property Tax Appeal Board finds that the value conclusion of the appraiser under these circumstances is not reliable.

The Board will thus examine the raw sales data contained in the record to ascertain whether the subject's assessment reflects its estimated market value. The appellant's appraisal has three sales with sufficient detail to be analyzed. The appellant's Market Analysis had color photographs and limited data on each of

the properties considered by the analyst; however, only properties #8, #16 and #23 had dwelling size data. Properties #8 and #16 as two-story dwellings were dissimilar to the subject's one-story design. Listing #23 was described as a one and one-half story brick dwelling of 1,500 square feet of living area with a crawl-space foundation and a 1.5 car garage; the property was listed for \$449,000 in November 2007. The appellant's Marketing Proposal contained Multiple Listing Service sheets for each of the properties analyzed, but only two properties included the "ASF" or approximate square footage of the dwelling, one of which was 1,260 and the other was 1,500 square feet. The Board finds the 1,260 square foot two-story dwelling was dissimilar to the subject; the 1,500 square foot dwelling is the same property described above within the appellant's Market Analysis and listed for \$449,000. The Board further finds that the remaining data sheets in the Marketing Proposal do not provide sufficient dwelling size information for analysis of comparable sales prices and/or listing prices. The board of review also submitted four comparable sales to support the subject's estimated market value as reflected by its assessment.

On this record, the Board finds there are eight comparable sales or listings with sufficient data for analysis in the record that were submitted by both parties. The Board has given less weight to sales #1 and #3 from the appellant's appraisal due to differences in size and location as compared to the subject dwelling. The Board has also given less weight to board of review comparables #3 and #4 due to differences in size and age, respectively. Thus, the Board finds that there are four comparable sales or listings submitted by both parties that were most similar to the subject property in age, size, and amenities. These four comparables sold or were listed between December 2005 and November 2007 for prices ranging from \$357,000 to \$555,000 or from \$283.33 to \$447.95 per square foot of living area, land included. Furthermore, the Board finds that the board of review acknowledged the superior exterior construction of the board of review's sales comparables. The Board also finds that the board of review failed to report a re-sale of its comparable #2 that occurred 10 months after the valuation date for a lower price of \$500,000 or \$426.62 per square foot of living area, land included.

The subject's assessment reflects a market value of approximately \$710,162 or \$430.66 per square foot of living area, including land, using the three-year median level of assessments for DuPage County of 33.26%. The Board finds the subject's assessment reflects a market value that falls at the high end of the range established by the most similar comparables on a per square foot basis. The Board further finds that the high end of the range of sale prices consist of board of review comparables #1 and #2 that were superior to the subject in exterior construction and sold for \$370.74 and \$447.95 per square foot of living area, land included, respectively. After considering the most comparable sales on this record, the Board finds the appellant has demonstrated that the subject property's assessment is excessive

Docket No: 07-04525.001-R-2

in relation to its market value and a reduction in the subject's assessment is warranted on this record.

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. Lerski

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.