



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

APPELLANT: Mark Lauritzen
DOCKET NO.: 08-02365.001-R-1
PARCEL NO.: 02-25-304-009

The parties of record before the Property Tax Appeal Board are Mark Lauritzen, the appellant, by attorney Michael Elliott, of Elliott & Associates, P.C. in Des Plaines, 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: \$22,410
IMPR.: \$99,590
TOTAL: \$122,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 23,358 square feet of land area is improved with a 38-year-old, one-story single-family dwelling of brick exterior construction. The home contains 1,916 square feet of living area and features a partial unfinished basement, central air conditioning, and an attached two-car garage. The property is located in Lombard, Bloomingdale Township, DuPage County.

The appellant contends before the Property Tax Appeal Board 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 through legal counsel submitted an appraisal estimating the subject property had a market value of \$335,000 as of July 22, 2008. The appraiser described the subject dwelling as having an effective age of ±10 years. Also in the report, according to the owner, the property was reported to have a new roof and a remodeled bath.

The appraiser Linda Sperekas of Real Property Advisors, Inc. developed the sales comparison approach to value using three sales. The properties were located from 0.20 to 1.19-miles from the subject property and were parcels ranging in size from 22,838 to 26,038 square feet of land area. The appraiser reported these somewhat distant properties were still in the subject's market area in unincorporated Lombard and in the same school district with similar construction quality and market appeal.

Each lot was improved with a split-level or a ranch-style dwelling of frame exterior construction that ranged in age from 35 to 49 years old. The comparables ranged in size from 1,345 to 2,405 square feet of living area. Each of the comparables had a full or partial finished basement, central air conditioning, and a two-car or three-car garage. Each comparable also had one or two fireplaces. These comparables sold between February and May 2008 for prices ranging from \$305,000 to \$386,400 or from \$160.67 to \$229.00 per square foot of living area including land. In comparing the comparable properties to the subject, the appraiser made adjustments for location, quality of construction, room count, dwelling size, basement size and/or finish, garage stalls, fireplace and other amenities. The analysis resulted in adjusted sales prices for the comparables ranging from \$325,000 to \$366,400 or from \$152.35 to \$248.33 per square foot of living area including land. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$335,000 or \$174.84 per square foot of living area including land.

In her final reconciliation, the appraiser concluded an estimate of value of \$335,000 since the sales comparison approach "best displays typical buyer/seller attitudes in the marketplace."

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$111,555 which would reflect a market value of approximately \$335,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of \$135,710 was disclosed. The final assessment of the subject property reflects a market value of \$407,905 or \$212.89 per square foot including land using the 2008 three-year median level of assessments for DuPage County of 33.27%. The board of review submitted a memorandum, a two-page letter from the Bloomingdale Township Assessor and a grid analysis purportedly reiterating three properties from the appellant's appraisal¹ and setting forth six comparables in support of the assessment.

In response to the appellant's appraisal, the board of review points out the appraisal was ordered "by Harris Bank for

¹ Analysis of the data reveals that the appraisal sales #1, #2 and #3 are reiterated; the sale identified in the grid as "appellant's comp #3" was not contained in the appellant's evidence.

financing purposes"² and the opinion of value is as of July 22, 2008, not January 1, 2008. The township assessor contended appraisal Sale #1 differed from the subject in design, lack of central air conditioning and additional amenity of a fireplace and finished lower level. As to the other appraisal sale comparables, the township assessor noted each was frame construction, one lacked central air conditioning and reportedly one did not have a fireplace as reported by the appraiser. Lastly, the assessor noted none of the comparables is in the subject's neighborhood and the sales are from 2008, "which the assessor is not able to use to determine 2008 value."

Of the six comparables presented by the board of review in support of the subject's estimated market value, only three have sale price data. The assessor addressed assessment equity with a grid analysis of six comparables, including the sold properties to show that the subject's assessment is equitable. The three sold comparables are described as ranch-style 'mixed' construction dwellings built between 1957 and 1961. The dwellings range in size from 1,152 to 1,634 square feet of living area with full or partial basements, two of which were finished, central air conditioning, a fireplace, and garages ranging from two-car, three-car to two separate two-car garages. These properties sold between May 2006 and May 2007 for prices ranging from \$292,000 to \$369,000 or from \$186.66 to \$273.33 per square foot of living area including land.

Based on the foregoing evidence and based on the assertion that the appellant's appraisal is flawed by using 2008 sales data, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's counsel pointed out the limited sales data presented by the board of review and the apparent focus on assessment equity in the assessor's data

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 appellant 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.

² On page 1 of the report, the assignment type is "other: equity" and the "lender/client" is Harris N.A.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$335,000 or \$174.84 per square foot of living area including land to challenge the subject's assessment. The board of review presented three sales that occurred between May 2006 and May 2007 to support the subject's estimated market value of \$407,905 or \$212.89 per square foot of living area including land as reflected by its assessment. The submission by the board of review of equity comparables in response to the appellant's market value evidence was nonresponsive and will not be further addressed on this record.

As to the appellant's evidence, the Property Tax Appeal Board finds that the appraiser's inclusion of Sale #1, a tri-level dwelling dissimilar in design to the subject, diminishes the weight to be given to the appraiser's value conclusion in this report. The Board finds that Sales #2 and #3 from the appraisal are sufficiently similar to the subject for purposes of analysis.

As to the board of review's market value evidence, the Property Tax Appeal Board finds that board of review comparable #1 is substantially smaller in dwelling size than the subject and should be afforded less weight for this difference.

In summary, the Board finds there are four sale comparables that have varying degrees of similarity to the subject: the appraiser's Sales #2 and #3 and the two remaining sales presented by the board of review. These four sales occurred between May 2006 and April 2008 for prices ranging from \$305,000 to \$386,400 or from \$160.67 to \$273.33 per square foot of living area including land. Each of these comparables was a ranch-style dwelling of frame or 'mixed' construction that was built between 1949 and 1961. The dwellings range in size from 1,345 to 2,405 square feet of living area. Each has a basement, two of which include finished area, and each has other amenities such as central air conditioning, a fireplace and a garage.

Of these four sales, the Board further finds that the appraisal's Sale #3 along with the board of review's January 2007 sale comparable are the most similar dwellings to the subject in size at 2,405 and 1,634 square feet of living area, respectively. These two comparables had raw sales of \$160.67 and \$186.66 per square foot of living area including land in January 2008 and January 2007, respectively. The subject's dwelling size of 1,916 square feet falls between these two properties, however, the subject dwelling is newer than either of these two dwellings suggesting that it would have a higher per-square-foot value. The Property Tax Appeal Board finds that the subject's estimated market value of \$212.89 per square foot of living area including land based on its assessment is substantially higher than either of these two most similar comparables on this record and is not justified based on the most similar sales. Based upon analysis of the most similar market data, the Property Tax Appeal Board finds that a reduction is 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

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

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: June 24, 2011

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.