



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

APPELLANT: Milad Kalache
DOCKET NO.: 08-02526.001-R-1
PARCEL NO.: 09-09-201-039

The parties of record before the Property Tax Appeal Board are Milad Kalache, the appellant, 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: \$25,650
IMPR: \$112,420
TOTAL: \$138,070

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 7,380 square feet of land area is improved with a 17-year-old, two-story single-family dwelling of frame and brick exterior construction. The home contains 2,740 square feet of living area and features a partial finished basement¹ of 952 square feet, central air conditioning, a fireplace, and an attached two-car garage. The property is located in Westmont, Downers Grove 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 submitted an appraisal estimating the subject property had a market value of \$415,000 as of October 3, 2008. The purpose of the appraisal was to estimate the fee simple market value of the subject. The appraiser noted the subject property "sides a commercial

¹ While the board of review reported an unfinished basement, both the appellant and the appellant's appraiser reported the basement was fully finished with a recreation room and a half bath.

restaurant located along Naperville Road, which has a negative effect on the value and marketability" and further reported this results in external obsolescence.

The appraiser Trent Hinshaw developed the sales comparison approach to value using three sales located from 0.07 to 0.73-miles from the subject. The appraiser also reported that Sale #2 sold in July 2006 for \$752,000 as new construction and then sold in August 2008, as reported in the appraisal, for \$425,000 as a foreclosure. No adjustment was made for this fact.

The comparable parcels contain either 8,400 or 9,000 square feet of land area. Each comparable was improved with a two-story frame or frame and brick dwelling ranging in age from 2 to 17 years old. The dwellings range in size from 2,641 to 3,031 square feet of living area. Two comparables have a full basement, one of which is finished. The other comparable has no basement. Each dwelling enjoys central air conditioning, a fireplace, and a two-car garage with one comparable having a second two-car garage. One comparable was reported as having superior updates to the subject. These properties sold in October 2007 or August 2008 for prices ranging from \$390,000 to \$550,000 or from \$139.68 to \$208.25 per square foot of living area including land. In comparing the comparable properties to the subject, the appraiser made adjustments for view due to the subject's view of commercial property, quality of construction, age, 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 \$402,500 to \$491,000 or from \$132.79 to \$185.91 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 \$415,000 or, based on the dwelling size of 2,740 square feet as reported by the board of review,² of \$151.46 per square foot of living area including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$138,320 which would reflect a market value of approximately \$415,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of \$178,500 was disclosed. The final assessment of the subject property reflects a market value of \$536,519 or \$195.81 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 and a grid analysis reiterating three properties in the appellant's appraisal and setting forth four comparables in support of the assessment.

² The appraiser reported the subject dwelling contains 2,714 square feet of living area which is slightly less than the records of the assessing officials. Both parties presented schematic drawings of the subject. The slight size variation appears to be due to rounding of numbers.

In response to the appellant's appraisal, the board of review pointed out that none of the appraisal comparables are located in the subject's assigned neighborhood code. Also, Sales #2 and #3 were reportedly part two-story and part one-story dwellings different from the subject's two-story design.

The board of review presented four sales, three of which are in the subject's assigned neighborhood code. Each dwelling is described as a part two-story and part one-story frame dwelling built between 1992 and 2005. The dwellings range in size from 1,956 to 2,350 square feet of living area with full or partial unfinished basements and garages ranging in size from 420 to 484 square feet of building area. No other detailed amenity information was set forth in the grid that was submitted. These properties sold between February 2006 and March 2007 for prices ranging from \$402,000 to \$515,000 or from \$185.68 to \$223.07 per square foot of living area including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's 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 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.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$415,000. On the other hand, the board of review criticized the lack of similarity in two of the sales comparables set forth in the appellant's appraisal in terms of design, but all four comparable sales presented by the board of review were part two-story and part one-story designed dwellings. In addition, the board of review sales comparables were more distant in time from the valuation date of January 1, 2008.

While the appraisal may lack some details as to the manner in which various conclusions were reached and questions can be raised as to adjustments made by the appraiser, in the end the Property Tax Appeal Board finds that, despite the board of review's criticisms, the appraisal submitted by the appellant estimating the subject's market value of \$415,000 or \$151.46 per square foot of living area including land is still the best evidence of the subject's market value in the record. The subject's estimated market value of \$536,519 or \$195.81 per

square foot of living area was not substantively supported by the board of review through presentation of sales of similarly designed dwellings with a sale date close to the valuation date at issue.

Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for DuPage County for 2008 of 33.27% 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerski

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.