



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

APPELLANT: Noel G. Alcantara
DOCKET NO.: 08-03139.001-R-2
PARCEL NO.: 09-24-205-005

The parties of record before the Property Tax Appeal Board are Noel G. Alcantara, the appellant; the DuPage County Board of Review; and the Hinsdale Township High School Dist. No. 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: \$304,220
IMPR: \$165,980
TOTAL: \$470,200

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 37,272 square feet of land improved with a 14-year old, part one-story and part two-story stone single-family dwelling containing 6,562 square feet of living area. Features include a full 50% finished basement, central air conditioning, three fireplaces, a 1,151 square foot garage, and a 483 square foot heated in-ground pool. The property is located in Burr Ridge, 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 estimating the subject property had a market value of \$1,200,000 as of January 24, 2009 based on consideration of both the cost and sales comparison approaches to value. The appraisal was prepared by Steven Munde and supervised by Randy Barcella, both of whom work for Randy Barcella & Associates in

Palos Heights. The purpose of the appraisal was for a refinance transaction and the property rights appraised were fee simple. The client for the appraisal was Wintrust Mortgage of Oak Brook Terrace.

The appraiser described the subject's neighborhood in part as upscale, custom built, multi-level homes with the subject conforming to the neighborhood. The appraiser determined the subject dwelling has an effective age of 7 years. The appraiser also reported the subject has two kitchens on one level, the basement was 85% finished and has a re-inforced tornado shelter, there were three fireplaces, and that, based on his schematic drawing the dwelling contains 6,589 square feet of living area.¹ The appraiser also reported that the 4-car garage is heated and the driveway holds 15+.

Under the cost approach, the appraiser estimated the subject's market value to be \$1,410,600. In the report, the appraiser wrote that the cost approach was prepared at the request of the client, however, the appraiser found insufficient market evidence to credibly support the site value, the appraiser gave this approach no consideration in his final analysis. He also noted that the cost approach was not applicable or logical as a result of the subject property's age.

The appraiser developed the sales comparison approach to value to estimating a value for the subject of \$1,200,000. The appraiser utilized five comparable properties, three of which were sales and two were listings. The properties were located from .25 to 3.23-miles from the subject. The comparable parcels ranged in size from 13,125 to 612,110 square feet of land area. Each was improved with a two-story brick or brick and stone dwelling that ranged in age from 2 to 10 years old. The comparable dwellings range in size from 4,446 to 6,224 square feet of living area and feature full basements, two of which include finished area. Each comparable has central air conditioning, one to three fireplaces, and a 3-car or 4-car garage. The three sales occurred between May and October 2008 for prices ranging from \$1,125,000 to \$1,242,500 or from \$194.41 to \$279.46 per square foot of living area, land included. The two active listings were on the market 152 and 256 days, respectively, with asking prices of \$1,175,000 and \$1,295,000 or \$253.23 and \$290.55 per square foot of living area including land. After making adjustments to the properties for conditions of sales and differences in site size, age, dwelling size, room count, basement and basement finish along with other differences, the appraiser determined adjusted sale prices for the five comparables ranging from \$1,191,250 to \$1,357,333 or from \$196.05 to \$304.54 per square foot of living area including land. As discussed in the addendum, the appraiser based on this data estimated the subject's market value to be \$1,200,000 or \$182.12 per square foot of living area including land under the sales comparison approach and the appraiser's

¹ There were slight differences in the amount of basement finish, number of fireplaces and dwelling sizes reported by the appellant's appraiser and the board of review.

dwelling size determination of 6,589 square feet of living area for the subject.

Based on this evidence, the appellant requested a total assessment of \$470,200 which would reflect a market value of approximately \$1,410,600.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$683,320 was disclosed. The subject's assessment reflects a market value of \$2,053,862 or \$312.99 per square foot of living area including land using the 2008 three-year median level of assessment for DuPage County of 33.27%.

In response to the appellant's appraisal, the board of review noted the various locations of the comparables set forth in the appraisal, differences in grade, dwelling size, and unfinished basements.

The board of review submitted a grid of seven comparables as prepared by the assessor, four of which included sales data. The board of review contends these properties are similar in neighborhood code, grade, design and dwelling size along with other features. The four comparables with sale information were located in the subject's neighborhood code. Each property was improved with a part one-story and part two-story brick dwelling that was built in 1999. The dwellings range in size from 3,206 to 3,857 square feet of living area. Features include full unfinished basements and garages ranging in size from 667 to 913 square feet of building area. These comparables sold between August 2005 and July 2006 for prices ranging from \$987,900 to \$1,180,000 or from \$281.31 to \$322.58 per square foot of living area including land.

The board of review also presented a mortgage document related to the subject property. The board of review contends that this June 2005 document is for the amount of \$1,411,000. "Since most mortgage houses do not loan at full value, it indicates the property is worth more than the appellant's claim."

As a result of this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

Pursuant to section 1910.99 of the Official Rules of the Property Tax Appeal Board, the intervenor adopted the evidence submitted by the board of review and filed a brief. (86 Ill.Admin.Code Sec. 1910.99). The intervenor argued the appellant's appraisal was unreliable because it established a market value as of January 24, 2009, rather than the assessment date at issue of January 1, 2008. Moreover, the appraisal was prepared for refinancing purposes and its intended use was not for assessment purposes. The intervenor also argues that the appraisal is incomplete because it does not utilize the cost approach. Based on the foregoing, the intervenor seeks confirmation of the subject's assessment.

The appellant submitted multiple documents in rebuttal and/or making status inquiries in this proceeding. In one filing, which appellant submitted prior to the submission of any evidence by the intervening taxing district, the appellant objected to the participation in this appeal of an intervening taxing district. Then in rebuttal once all evidence had been served upon the appellant, he timely submitted rebuttal wherein he referenced a two-page "current appraisal report dated December 15, 2010 conducted by RPK Appraisals, Inc. of La Grange." There was no copy of such an appraisal attached.² In further response, appellant points out that his original appraisal did include a cost approach to value. Appellant also concedes that the correct dwelling size for the subject is 6,562 square feet. Lastly appellant address the tax rates applied to board of review comparables #5, #6 and #7.

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.

Pursuant to Section 16-180 of the Property Tax Code (35 ILCS 200/16-180):

In all cases where a change in assessed valuation of \$100,000 or more is sought, the board of review shall serve a copy of the petition on all taxing districts as shown on the last available tax bill.

Since in this matter, the appellant requested an assessment reduction in excess of \$100,000, the DuPage County Board of Review was mandated by law to inform all of the applicable taxing districts. Thus, while the appellant's objection to the intervention in this proceeding by the Hinsdale Township High School Dist. No. 86 as an intervening party is noted, intervention in Property Tax Appeal Board proceedings is fully allowable by law. (See also 86 Ill.Admin.Code Sec. 1910.60(d)).

Moreover, the Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation. (86 Ill.Admin.Code, Sec. 1910.10(f)). Thus, the appellant's rebuttal data regarding tax rates for three properties has not been given any weight.

In this proceeding, the appellant asserted the subject property was overvalued. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the

² Pursuant to the Official Rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code, Sec. 1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code, Sec. 1910.66(c)). In light of these Rules, thus, even if appellant had submitted a complete copy of a December 15, 2010 appraisal of the subject property, the Property Tax Appeal Board would not be able to consider it.

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.

In determining the correct assessment of the subject property, the Property Tax Appeal Board finds the best evidence of recent sales to have been presented in the appellant's appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value.

With regard to the interenor's argument concerning the purported lack of a cost approach, the Property Tax Appeal Board recognizes that a cost approach was actually performed in the appraisal report although it was not relied upon as noted previously herein. Moreover, case law does not support the intervenor's contention that a cost approach is essential in any appraisal. In Cook County Board of Review v. Illinois Property Tax Appeal Board, 384 Ill. App. 3d 472, 894 N.E.2d 400 (1st Dist. 2008), *opinion supplemented on denial of reh'g* (9-8-08) [hereinafter referred to as "Omni"], the court stated that challenging market value without a sales comparison approach was insufficient as a matter of law. The court in Omni made no similar assertion regarding a cost approach.

As to the board of review's evidence, the board presented four sales which were distant in time from the assessment date of January 1, 2008 and which were all substantially smaller than the subject dwelling. Moreover, the data presented did not include the details of the amenities of those properties, even if the sizes were sufficiently similar for purposes of comparison. On this record, the Property Tax Appeal Board finds that, despite some of the stark differences between the subject property and the comparables utilized, the appellant's appraiser presented comparables closer in time and more similar in size and other amenities to the subject dwelling than those presented by the board of review.

Therefore, the Property Tax Appeal Board finds that a reduction in accordance with the appellant's request is supported.

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 Morris

Member

Shawn P. 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: May 20, 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.