



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

APPELLANT: Lisa Ogut
DOCKET NO.: 08-03358.001-R-1
PARCEL NO.: 09-22-104-106

The parties of record before the Property Tax Appeal Board are Lisa Ogut, the appellant; 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: \$53,280
IMPR: \$202,880
TOTAL: \$256,160

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story frame and masonry dwelling containing 3,533 square feet of living area. The dwelling was built in 2004 and features a full unfinished basement, central air conditioning, a fireplace and a two-car attached garage. The dwelling is situated on 11,840 square feet of land area located in Downers Grove Township, DuPage County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property prepared by a state licensed appraiser. The appraiser developed the sales comparison approach to value in estimating the fair market value for the subject property of \$650,000 as of December 11, 2008.

Under the sales comparison approach, the appraiser utilized three suggested comparable sales and two listings. The comparables are located from 0.13 to 3.31 miles from the subject property with lot sizes ranging from 10,050 to 17,756 square feet of land area. The comparables consist of two-story dwellings of frame and

masonry construction that contain between 2,967 to 4,777 square feet of living area. The dwellings range in age from 7 to 22 years old. The comparables have full basements, two of which are finished. Other features include central air conditioning, from one to three fireplaces and from a two-car to a three-car attached garage. The comparables sold from March 2008 to September 2008 for prices ranging from \$640,000 to \$760,000 or from \$159.10 to \$205.00 per square foot for living area including land. The appraiser made adjustments to the comparables' sale prices for room count, improvement size, basement finish, number of fireplaces and differences in garages. In reconciliation, the appraiser concluded a market value of \$650,000 for the subject property as of December 11, 2008. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$256,160 was disclosed. The subject's assessment reflects an estimated market value of \$769,943 or \$217.93 per square foot of living area including land using DuPage County's 2008 three-year median level of assessments of 33.27%.

The board of review submitted a two page brief arguing that only one sale, used by the appellant's appraiser, was located within the subject's neighborhood. Additionally, the appraisal was for a refinance of a mortgage, not for ad valorem purposes and was prepared almost a year after the subject's January 1, 2008 assessment date.

In support of the subject's assessment, the board of review submitted six suggested comparable sales. The board of review included a map depicting their properties locations in relation to the subject property. The map shows the appellant's sale #1 as well as the board of review's sales #5 and #6 to be in close proximity to the subject. The board of review included property record cards for both parties' comparables and a chart of both parties' comparable sales. Their six comparables consist of two-story frame dwellings that contain between 3,308 to 4,047 square feet of living area. The dwellings were built from 1997 to 2006 and feature full unfinished basements. The comparables have garage sizes ranging from 573 to 1,000 square feet of building area. The comparables sold from August 2006 to July 2007 for prices ranging from \$725,000 to \$873,000 or from \$216 to \$229 per square foot of living area including land.

Based on the evidence presented, 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 Property Tax Appeal Board further finds a reduction in the subject property's assessment is not warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has not met this burden of proof.

The appellant reports the subject improvement as having 3,543 square feet of living area. The board of review reports the subject improvement as having 3,533 square feet of living area. Both parties supplied a diagram, however, the appellant's appraiser noted within the appraisal that the subject's dimensions were approximate and were included only to assist the reader of the appraisal. The Board finds the property record card's subject improvement size of 3,533 square feet to be the best evidence of the subject's size in the record.

The Board gives less weight to the appellant's sales #2, #3, listing #1 and listing #2 due to their distant locations when compared to the subject. Additionally sale #3 is considerably larger than the subject and listing #1 subsequently sold in June 2009 for a price of \$570,000. The Board gives less weight to the board of review's sales #3 and #6 due to their 2006 sale dates occurring greater than 17 months prior to the subject's January 1, 2008 assessment date. The Board gives less weight to the board of review's sales #1, #2 and #4 due to their distant locations when compared to the subject. The Board further finds the remaining two comparables are most similar to the subject in location, size and features. These sales occurred in May 2007 and September 2008 for prices of \$650,000 and \$873,000 or \$201.74 and \$215.72 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$769,943 or \$217.93 which is within the range of the best comparables in the record. The Board finds the appellant has failed to prove by a preponderance of the evidence that the subject's assessment is overvalued. The Board therefore finds 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

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J.R.

Acting 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: December 23, 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.