



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

APPELLANT: Richard Eck
DOCKET NO.: 08-03361.001-R-1
PARCEL NO.: 09-12-415-012

The parties of record before the Property Tax Appeal Board are Richard Eck, the appellant, by attorney George J. Relias of Enterprise Law Group, LLP, in Chicago; 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: \$153,150
IMPR: \$156,314
TOTAL: \$309,464

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a part one-story and part two-story frame and masonry dwelling containing 3,322 square feet of living area. The dwelling was originally built in 1964, with a second story addition and a garage added in 1997. Features include a partial basement that is finished, central air conditioning, three fireplaces and a two-car attached garage. The dwelling is situated on 18,056 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 two of the traditionally accepted approaches to value in estimating fair market value for the subject property of \$895,000 as of January 1, 2008. Under the cost approach, the appraiser concluded a value of \$940,000. Under the sales comparison approach, the appraiser concluded a value of \$895,000.

Under the sales comparison approach, the appraiser utilized five suggested comparable sales. The comparables are located from 0.07 to 1.86 miles from the subject property with lot sizes ranging from 8,400 to 17,408 square feet of land area. The comparables consist of part one-story and part two-story dwellings of frame or frame and masonry construction that contain between 2,685 to 4,220 square feet of living area. The dwellings range in age from 16 to 118 years old. The comparables have full or partial finished basements, central air conditioning, from one to three fireplaces and two-car garages. The comparables sold from February 2007 to December 2007 for prices ranging from \$745,000 to \$950,000 or from \$225.12 to \$281.71 per square foot for living area including land. The appraiser made adjustments to the comparables' sale prices for location, lot size, quality of construction, age, room count, improvement size, basement size, basement finish, functional utility, heating and cooling, additional improvements, number of fireplaces and functional obsolescence. In reconciliation, the appraiser concluded a market value of \$895,000 for the subject property as of January 1, 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 \$375,000 was disclosed. The subject's assessment reflects an estimated market value of \$1,127,142 or \$339.30 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 none of the comparables, used by the appellant's appraiser, are located within the subject's neighborhood code. Additionally, the 2007 sales within the subject's neighborhood were available to the appellant's appraiser.

In support of the subject's assessment, the board of review submitted five suggested comparable sales. The board of review included a map depicting both parties' sales locations in relation to the subject property. The map shows the appellant's sale #1 and #5 to be the nearest sales in 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 five comparables consist of part one-story, part two-story and part three-story frame or frame and masonry dwellings that contain between 2,560 to 4,121 square feet of living area. The dwellings were built from 1931 to 1999. Three comparables have full basements that are partially finished, one comparable has a full unfinished basement and one comparable has a partial basement that is partially finished. The comparables have garage sizes ranging from 376 to 726 square feet of building area. The comparables sold from March 2007 to October 2007 for prices ranging from \$869,000 to \$1,650,000 or from \$339 to \$439 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 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 met this burden of proof.

The appellant reports the subject improvement as having 3,339 square feet of living area. The board of review reports the subject improvement as having 3,322 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 3,322 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 #1 and #5 due to their considerably smaller size when compared to the subject. Additionally, sale #1 lacks the masonry exterior that the subject enjoys. The Board gives less weight to the appellant's sale #3 due to its considerably larger size when compared to the subject. Additionally, sale #3 lacks the masonry exterior that the subject enjoys as well as its considerably older age when compared to the subject. The Board gives less weight to the board of review's sales due to their dissimilar part one-story, part two-story and part three-story style when compared to the subject's part one-story and part two-story style. Additionally, only sales #3 and #5 have similar improvement sizes when compared to the subject. The Board finds the remaining two comparables are most similar to the subject in location, exterior construction, size and features. These sales occurred in May 2007 and December 2007 for prices of \$839,000 and \$915,000 or \$276.81 and \$281.71 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$1,127,142 or \$339.30 which is greater than the range of the best comparables in the record. The Board therefore finds a reduction in the subject's assessment 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 Morris

Member

JR

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.