



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

APPELLANT: Ron & Maryann Carlson
DOCKET NO.: 08-03519.001-R-1
PARCEL NO.: 06-20-416-002

The parties of record before the Property Tax Appeal Board are Ron and Maryann Carlson, the appellants, 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: \$51,170
IMPR: \$121,830
TOTAL: \$173,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story single family dwelling of a brick and aluminum exterior construction that contains 2,844 square feet of living area. The dwelling was approximately 9 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car attached garage. The property is located in Lombard, York Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal prepared by Steven R. Clinton, a State of Illinois Certified Residential Real Estate Appraiser. The appraisal indicated the client was the appellants and the property rights appraised were the fee simple interest. In estimating the market value of the subject property the appraiser developed both the cost approach to value and the sales comparison approach to value.

Under the cost approach the appraiser estimated the subject had a site value of \$225,000. The appraiser estimated the subject had a replacement cost new of \$306,540. The appraiser estimated the subject suffered from \$24,523 in physical depreciation but suffered no functional or external obsolescence. Deducting depreciation, adding site improvements of \$15,000 and the land

value resulted in an estimated value under the cost approach of \$522,000.

Under the sales comparison approach the appraiser used three comparable sales improved with two-story dwellings that ranged in size from 2,535 to 3,018 square feet of living area. The dwellings had similar exterior construction as the subject and were either 8 or 18 years old. The comparables were located within .12 miles of the subject property. Each comparable had a finished basement, central air conditioning, one fireplace and a two or three-car attached garage. These properties sold from June 2007 to December 2007 for prices ranging from \$490,000 to \$570,000 or from \$181.32 to \$193.29 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject, the appraiser indicated the comparables had adjusted sales prices ranging from \$516,400 to \$524,400. The appraiser estimated the subject had an indicated market value under the sales comparison approach of \$520,000.

In reconciling the two approaches the appraiser gave most emphasis to the sales comparison approach and estimated the subject had a market value of \$520,000 as of January 1, 2008.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$200,440 was disclosed. The subject's assessment reflects a market value of approximately \$602,465 or \$211.84 per square foot of living area, including land, using the 2008 three year average median level of assessments for DuPage County of 33.27%.

The board of review submitted an Addendum to Board of Review Notes on Appeal and Exhibit #1 which it described as listing the appellants' and the assessor's comparable properties. A review of Exhibit #1 disclosed it did not include the comparable sales used by the appellants' appraiser but some other properties. The exhibit also contained six comparables identified by the assessor improved with two-story dwellings that ranged in size from 2,722 to 2,905 square feet of living area. The comparables were similar to the subject in age and exterior construction. The property record cards for the comparables indicated that five had basements, each had central air conditioning, each had a fireplace and each had a two or three-car attached garage. These comparables had improvement assessments ranging from \$147,020 to \$173,000 or from \$52.77 to \$60.45 per square foot of living area. The subject has an improvement assessment of \$149,270 or \$52.49 per square foot of living area. The board of review's evidence also disclosed its comparable #4 (Property Index No. 06-20-310-001) sold in March 2006 for a price of \$590,000 or \$211.77 per square foot of living area, including land. Based on this 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record is the appraisal of the subject property submitted by the appellants. The appraiser developed the cost approach and the sales comparison approach to estimate the market value of the subject property. Most weight was given the sales comparison approach which included three sales similar to the subject in location, style, size, features and age. The appraiser estimated the subject had a market value of \$520,000 as of January 1, 2008.

The Board gives little weight to the board of review evidence due to the fact it focuses primarily on assessment equity, which was not the basis of the appeal. The board of review evidence did contain one sale but it sold in excess of 20 months prior to the assessment date at issue while the sales used by the appellants' appraiser occurred within approximately 6 months of the assessment date. The Board finds the sales used by the appellants' appraiser were more relevant and probative of market value as of January 1, 2008, than the one sale in the board of review submission.

Based on this record the Board finds the subject property had a market value of \$520,000 as of January 1, 2008. Since market value has been established the 2008 three year average median level of assessments for DuPage County of 33.27% shall apply.

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.



Chairman



Member



Member



Member



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



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.