



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

APPELLANT: Allen Farkas
DOCKET NO.: 08-03567.001-R-1
PARCEL NO.: 09-16-213-008

The parties of record before the Property Tax Appeal Board are Allen Farkas, the appellant, and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction¹ 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: \$66,430
IMPR: \$79,460
TOTAL: \$145,890

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 1½-story single family dwelling of frame construction that contains 2,003 square feet of living area. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a two-car attached garage. The dwelling was constructed in 1972. The property is located in Westmont, Downers Grove Township, DuPage County.

The appellant marked both assessment equity and recent appraisal as the bases of the appeal. In support of the market value argument the appellant submitted a copy of an appraisal prepared by Chris J. Edman, a state certified appraiser, estimating the subject had a market value of \$320,000 as of April 1, 2004. The appellant also submitted a copy of a letter from JPMorgan Chase Bank, N.A., (Chase) reducing the credit limit on his home equity account as of May 17, 2008. The letter stated Chase had used a "proven automated valuation method to estate your home's value at \$345,000."

¹ The improvement assessment reflects the reduction after the application of the home improvement exemption of \$2,660 that was granted by the board of review.

With respect to the assessment inequity argument the appellant presented descriptions and assessment information on four comparables.² The comparables were improved with two 2-story dwellings, one part 2-story and part 1-story dwelling and one part 1.5-story and part 1-story dwelling. The comparables ranged in size from 1,984 to 2,680 square feet of living area and each was of frame construction. One comparable was constructed in 1976 and three were built in 1950 with additions in 1984, 2006 and 1996, respectively. Two of the comparables had basements, each comparable had central air conditioning, three comparables had a fireplace and each comparable had a two-car garage. The comparables also had parcels ranging in size from 11,988 to 17,940 square feet of land area. These properties had improvement assessments ranging from \$57,050 to \$88,340 or from \$23.57 to \$39.66 per square foot of living area. These same comparables had land assessments of \$41,570 and \$47,030 or \$2.32 and \$3.92 per square foot of land area.

The notice of final decision submitted by the appellant indicated the subject had a total assessment of \$149,720. The notice indicated the board of had granted the subject a home improvement exemption in the amount of \$2,660 which reduced the subject's improvement assessment from \$85,950 to \$83,290.

Based on this evidence the appellant requested the subject's land assessment be reduced to \$48,500 and the improvement assessment be reduced to \$55,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property, after the deduction of the home improvement exemption, of \$149,720 was disclosed. The subject's assessment prior to the deduction of the exemption was \$152,380, which reflects a market value of approximately \$458,010 or \$228.66 per square foot of living area, including land, using the 2008 three year average median level of assessments for DuPage County of 33.27%.

In support of the assessment the board of review submitted an analysis prepared by the Downers Grove Township Assessor's Office. In rebuttal the assessor indicated the appellant's comparables were in the same neighborhood as the subject. The assessor also stated appellant's comparable #1 has a grade of 1.5, which is one grade lower than the subject, comparable #2 and #3 had the same grade as the subject and comparable #4 has a half grade higher than the subject. The assessor also indicated that land in the subject's neighborhood is all assessed at \$592 per adjusted front foot (AFF). In reviewing the grid analysis prepared by the assessor's office the appellant's comparable each had an adjusted front foot of 70 and 79 feet and was assessed at \$592 per adjusted front foot. The subject has an adjusted front

² The appellant had converted the assessments to market value. The board of review provided the assessments for the subject and the appellant's comparables, which will be used in this analysis.

footage of 112 feet and was assessed at \$592 per adjusted front foot resulting in a land assessment of \$66,430.

In support of the assessment the board of review submitted information on four comparables that were improved with two 1.5-story dwellings, one part 1.5-story and part 1-story dwelling and one part one-story and part two-story dwelling that ranged in size from 1,284 to 1,852 square feet of living area. The dwellings were constructed from 1939 to 1985. One comparable was of frame construction, one comparable was of frame and brick construction and two comparables were of brick construction. Each comparable had a full or partial basement, two comparables had fireplaces and each comparable had a one or two-car garage. Comparable #1 was located in the subject's neighborhood while board of review comparables #2, #3 and #4 are located in an adjacent neighborhood code to the north. The comparables had improvement assessments ranging from \$50,410 to \$100,820 or from \$39.26 to \$54.44 per square foot of living area. The subject has an improvement assessment prior to the home improvement exemption of \$85,950 or \$42.91 per square foot of living area.

The evidence also disclosed that board of review comparable #1, which is located in the subject's neighborhood, had a land assessment of \$592 per adjusted front foot while the three remaining comparables had land assessments of \$545, \$451 and \$544 per adjusted front foot, respectively.

The evidence also disclosed the board of review comparables sold from September 2006 to October 2007 for prices ranging from \$315,000 to \$399,999 or from \$215.98 to \$260.18 per square foot of living area, including land.

The assessor also prepared an analysis of the all the comparables submitted by the parties making adjustments to the properties for differences from the subject. The analysis indicated the adjustments were based on an Illinois cost manual, which was adjusted by market indicators in each neighborhood code. The analysis indicated the appellant's comparables had adjusted improvement assessments ranging from \$26.00 to \$37.00 per square foot of living area, rounded. The assessor's comparables had adjusted improvement assessments ranging from \$38.00 to \$44.00 per square foot of living area, rounded. The subject has an improvement assessment of \$43.00 per square foot of living area, rounded.

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 appellant argued in part assessment inequity as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County

Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data the Board finds a reduction is warranted on this basis.

The record contains eight comparables that had varying degrees of similarity with the subject property. The board of review submitted an analysis of the comparables prepared by the township assessor's office which adjusted the comparables for differences from the subject property. The adjusted improvement assessments for the comparables ranged from \$26.00 to \$44.00 per square foot of living area, rounded. Only one of the eight comparables had an adjusted improvement assessment greater than the subject's improvement of \$43.00 per square foot of living area, rounded. In reviewing the comparables the Board finds that appellant's comparable #3 and assessor's comparable #3 were most similar to the subject in age and size. These properties had adjusted improvement assessments of \$37.00 and \$41.00 per square foot of living area, rounded. Based on this record the Board finds the subject's improvement assessment should be reduced to \$41.00 per square foot of living area or \$82,120, rounded, prior to the deduction of the home improvement exemption of \$2,660.

The Board further finds the evidence disclosed that land in the subject's neighborhood is being assessed at \$592 per adjusted front foot. The subject's land is being assessed at \$592 per adjusted front foot. Based on this record the Board finds the subject's land is being equitably assessed.

The appellant also argued overvaluation as an alternative basis of the appeal. 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 a further reduction in the subject's assessment is not warranted on this basis.

The subject's assessment after the deduction granted herein for assessment inequity and prior to the deduction of the home improvement exemption reflects a market value of approximately \$446,500, rounded, or \$222.92 per square foot of living area, including land, when applying the 2008 three year average median level of assessments for DuPage County of 33.27%. The Board finds the board of review had three sales that occurred from September 2007 to October 2007 for prices ranging from \$215.98 to \$245.32 per square foot of living area, including land. The subject's revised assessment reflects a market value within the range established by the best comparables in the record on a square foot basis and a further reduction is not justified based on overvaluation.

The Board gave no weight to the appellant's appraisal due to the effective date of the report being approximately four years prior to the assessment date at issue. The Board finds this appraisal is not relevant or probative in establishing the subject's market value as of January 1, 2008. The Board also gave no weight to the Chase letter submitted by the appellant in that it had no market data or a copy of the appraisal which it used to justify the reduction in the credit limit on the appellant's home equity account.

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.



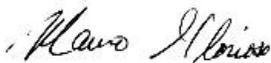
Chairman



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.