



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

APPELLANT: Patrick Smith & Joseph Phillips
DOCKET NO.: 08-03577.001-R-1
PARCEL NO.: 09-05-403-006

The parties of record before the Property Tax Appeal Board are Patrick Smith and Joseph Phillips, the appellants, and the DuPage County Board of Review.¹

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: \$79,330
IMPR.: \$17,160
TOTAL: \$96,490**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story single family dwelling of frame construction that contains 1,521 square feet of living area. The dwelling was constructed in 1955 with an addition in 1963. Features of the home include a crawl space foundation, central air conditioning and a two-car detached garage. The subject has an 11,200 square foot lot and is located in Downers Grove, Downers Grove Township, DuPage County.

The appellant, Patrick Smith, appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant called as his witness Michael Zawislak. Zawislak testified he is and has been a Real Estate Broker in Illinois for 25 years.² The witness testified

¹ The Property Tax Appeal Board held a consolidated hearing for Docket Nos. 08-03577.001-R-1 and 08-03602.001-R-1.

² Section 5-5(c) of the Real Estate Appraiser Licensing Act of 2002 provides in part that:

Nothing in this Act shall prohibit a person who holds a valid license under the Real Estate License Act of 2000 from performing a comparative market analysis or broker price opinion for

that he has represented people buying and selling houses. Zawislak testified that during the last 13 years spent in DuPage County he has been involved in approximately 300 real estate transactions. The witness further testified that he has built several homes during the last ten years as a general contractor and a developer in the Westmont and Downers Grove areas. Zawislak has a Bachelor of Science degree in accounting. The witness testified he had previously testified as an expert in a land valuation issue and has previously testified before the board of review.

In the instant appeal Zawislak prepared an analysis by looking at properties that sold and closed within a six month window of January 2008. The witness presented his analysis in a Uniform Residential Appraisal Report (Freddie Mac Form 70 & Fannie Mae Form 1004, March 2005) and used three comparable sales located in Downers Grove. The report was marked as Appellant's Exhibit #1. The exhibit also included photographs of the subject and the comparables. The comparables were described as being improved with two, one-story dwellings and a Cape Cod style dwelling that ranged in size from 930 to 1,448 square feet of living area. The comparables were described as being from 54 to 59 years old. Each comparable has a full finished basement, central air conditioning, and a 2.5-car garage. Two comparables also had fireplaces. These properties sold from July 2007 to December 2007 for prices ranging from \$270,000 to \$290,000 or from \$200.28 to \$290.32 per square foot of living area, including land. Zawislak made adjustments to the comparables to account for differences from the subject in land area, living area, finished basement area, fireplaces and in one instance for a deck and porch. Based on these considerations the witness estimated the comparables had adjusted sales prices ranging from \$270,000 to \$300,000. Zawislak estimated the subject had a market value of \$290,000 as of January 31, 2008. Zawislak testified the value of the subject would not change as of January 1, 2008.

Under cross-examination the witness asserted that there was a \$5,000 concession from the seller for comparable #2 as reported through the MLS for either closing costs or repairs. The witness testified he made no adjustment for the different style of comparable #2 because there is not that significant a difference from a one-story to a Cape Cod style home. Zawislak testified the adjustment for living area was \$100 per square foot based on his experience. The remaining adjustments to the comparables were also based on his experience. The witness further indicated that no interior inspection of the subject or the comparables was made.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$146,620 was disclosed. The subject's assessment reflects a market value of \$440,697 or \$289.74 per square foot of living

compensation, provided that the person does not hold himself out as being a licensed real estate appraiser. 225 ILCS 458/5-5(c).

area, including land, when applying the 2008 three year average median level of assessments for DuPage County of 33.27%.

In support of the assessment the board of review called as its witness Joni Gaddis, Chief Deputy Assessor of Downers Grove Township. Ms. Gaddis prepared an analysis using the appellant's comparables as well as four comparables identified by the assessor's office. She testified that the three comparables used by the appellant were located in a different assessment neighborhood than the subject property. Ms. Gaddis testified that appellant's comparable #3 originally sold in August 2007 for \$290,000 and sold again in May 2008 for a price of \$357,000 or \$246.55 per square foot of living area, including land.

The witness explained the assessor selected four comparable sales improved with one-story dwellings that ranged in size from 1,000 to 1,059 square feet of living area. These properties were located in the same assessor's neighborhood code as the subject property.³ The dwellings were of frame or brick construction and were built from 1930 to 1958. Each comparable had a full unfinished basement and a detached garage ranging in size from 308 to 484 square feet. The sales occurred from February 2005 to August 2007 for prices ranging from \$290,000 to \$365,000 or from \$287.70 to \$360.00 per square foot of living area, including land. Ms. Gaddis noted the comparables had smaller land areas than the subject parcel ranging in size from 7,446 to 9,240 square feet of land area.

Under cross-examination Ms. Gaddis did not know if any work was done on appellant's comparable #3 between the time it sold in August 2007 for a price of \$290,000 and the time it sold in May 2008 for a price of \$357,000. Ms. Gaddis further testified that the market began to decline in 2008 and has continued to do so through the date of the hearing. She further testified the subject had a 480 square foot addition in 1963.

In rebuttal Zawislak testified he adjusted each of the comparables he used for lot size. He further testified that the comparables he used were in the same market neighborhood. He testified the key for Downers Grove is being east or west of Main Street; each of the comparables submitted by the parties is located east of Main Street. Zawislak further testified that his comparable sale #3 was completely renovated with kitchen, bath, painting and flooring prior to the second sale in May 2008. The witness further testified that he tracks the value of property over time. He was of the opinion that the relative value of properties in the subject's neighborhood began to decline in the middle of 2006. Zawislak was of the opinion that sales from 2006 could only be used if they are depreciated significantly for the market between 15% and 30%.

³ The board of review submitted a copy of a map noting the location of the comparables used by both parties, which depicts all the comparables being located relatively close to the subject property.

After hearing the testimony 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 overvaluation as the 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 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 this record is the appraisal of the subject property submitted by the appellants. The appellants presented the testimony of real estate broker Michael Zawislak who prepared the market analysis. His testimony indicated that he had significant experience in the subject's market area as a real estate broker as well as being a developer and builder of homes. A review of his analysis further disclosed he made adjustments to his comparables for differences from the subject in land size, living area and for finished basement area. The Board further finds his opinion of value is well supported by his comparable #3, which was most similar to the subject in size with 1,448 square feet of living area. This property sold in August 2007 for a price of \$290,000 or \$200.28 per square foot of living area, including land. After renovation this property sold again in May 2008 for a price of \$357,000 or \$246.55 per square foot of living area, including land. The subject's assessment reflects a market value of \$440,697 or \$289.74 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%, which is significantly above the price of the best comparable in the record.

Less weight was given the board of review's data because only two sales occurred proximate in time to the assessment date at issue and these comparables were of brick construction with full basements, unlike the subject's frame construction and crawl space foundation.

Based on this record the Board finds the subject property had a market value of \$290,000 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: January 20, 2012

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.