



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

APPELLANT: Teresa Licari
DOCKET NO.: 08-04263.001-R-1
PARCEL NO.: 03-33-208-016

The parties of record before the Property Tax Appeal Board are Teresa Licari, 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: \$28,760
IMPR.: \$115,070
TOTAL: \$143,830

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 9,600 square feet of land area is improved with a four-unit two-story masonry apartment building constructed in 1964. The building contains 3,450 square feet of gross building area with a full finished basement of 1,935 square feet of building area. There are three 2-bedroom units and one 1-bedroom unit each with one bathroom. The subject property is located in Addison, Addison Township, DuPage County, Illinois.

The appellant's appeal contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellant submitted a Small Residential Income Property Appraisal Report prepared by real estate appraiser John B. Murphy and supervised by Harry M. Fishman, both of Property Valuation Services. The appraisal estimates the subject property had a market value of \$225,000 as of January 1, 2010. The purpose of the appraisal was for "property tax appeal."

Under the sales comparison approach, the appraiser used sales of three comparable buildings which were located within 1.5-miles of the subject property. The comparables consist of four-unit masonry apartment buildings that were constructed between 1964

and 1979. The parcels range in size from 7,300 to 9,000 square feet of land area and the buildings range in size from 2,010 to 2,763 square feet of gross building area. Each comparable has a basement which is either fully or partially finished. These comparables sold between March 2008 and April 2010 for prices ranging from \$157,000 to \$224,000 or from \$39,250 to \$56,000 per unit. The appraiser made 6% upward adjustments to sales #2 and #3 for inferior market conditions as the properties "were sold in a declining market." The appraiser also adjusted for site size, condition, building size and basement finish along with other amenities to arrive at adjusted sales prices ranging from \$202,000 to \$230,500 or from \$50,500 to \$57,625 per unit.

The appraiser also utilized the income approach to value by analyzing three rental comparables located within 1.25-miles from the subject. In the market rental analysis, the appraiser examined three lease rates in four-unit buildings that were built between 1960 and 1965. The buildings range in size from 3,150 to 3,400 square feet of gross building area. Rental #2 was month-to-month and rentals #1 and #3 were based on leases until June 2011 and August 2010, respectively. The monthly rentals ranged from \$2,860 to \$3,250. The subject has a gross monthly rent of \$3,175. Based on the rental data, the appraiser applied a gross rent multiplier of 70.00 to arrive at an estimated market value of \$222,250 under the income approach.

In the addenda to the report, the appraiser discussed the market conditions as reflecting a down cycle and included factors that were weighing down the 2010 housing market.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$75,000 which would reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$143,830 was disclosed. The final assessment of the subject property reflects a market value of \$432,311 or \$108,078 per unit including land using the 2008 three-year median level of assessments for DuPage County of 33.27%.

The board of review requested dismissal of this appeal, or in the alternative, it submitted four sales of comparable properties to support the subject's estimated market value. For the dismissal, the board of review first asserted that the appraisal date of January 1, 2010 for a 2008 assessment appeal "is not time appropriate for this appeal." Second, the board of review contended that in the "Multi-Purpose Supplemental Addendum" included with the appraisal the stated purpose and function of the appraisal was to "estimate the market value of the subject property . . . to assist the above named lender in evaluating the subject property for lending purposes." Based on these assertions the board of review seeks dismissal of this appeal.

As to the date of valuation in the appraisal, the Property Tax Appeal Board denies the board of review's dismissal motion. Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill.Admin.Code Sec. 1910.65(c). The appraisal with a valuation date of January 1, 2010 was filed to challenge the assessment date of January 1, 2008 in this matter. In Cook County Board of Review v. Property Tax Appeal Board, 334 Ill. App. 3d 56, 777 N.E.2d 622 (1st Dist. 2002), the court stated "[t]here is no requirement that a taxpayer must submit a particular type of proof in support of an appeal. The rule instead sets out the types of proof that *may* be submitted. . . . Whether a two-year old appraisal is 'substantive, documentary evidence' of a property's value goes to the weight of the evidence, not its admissibility. [citing Department of Transportation v. Zabel, 47 Ill. App. 3d 1049, 1052, 362 N.E.2d 687 (1977) (whether a six-month-old appraisal is sufficient to establish value is for the trier of fact to consider in weighing the evidence)]."

As to the criticism regarding the "Multi-Purpose Supplemental Addendum" attached to the appraisal, the Property Tax Appeal Board denies the board of review's dismissal motion. The addendum specifically provides:

Only those statements which have been checked by the appraiser apply to the property being appraised.
[Emphasis in original.]

A review of the addendum reveals that the "purpose and function of appraisal" cited by the board of review in its dismissal request was not checked by the appraiser.

In support of the subject's estimated market value based on its assessment, the board of review submitted a chart of four, four-unit, apartment buildings said to be on parcels ranging in size from 2,010 to 8,320 square feet of land area. Three of the comparables are located on the same street as the subject. The buildings were constructed in either 1962 or 1963 and each building contains 2,010 square feet of gross building area. No other descriptive data for the comparables was reported. These properties sold between March 2004 and June 2006 for prices ranging from \$430,000 to \$468,000 or from \$107,500 to \$117,000 per unit including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a Multi-Family Summary Appraisal Report prepared by John B. Murphy and supervised by Harry M. Fishman with an estimated market value for the subject of \$320,000 as of January 1, 2008.

Pursuant to the Official Rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill. Admin. Code, Sec. 1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill. Admin. Code, Sec. 1910.66(c)). In light of these Rules, the Property Tax Appeal Board shall not consider the new appraisal with a valuation date of January 1, 2008 submitted by appellant in conjunction with her rebuttal argument.

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 Board further finds that a reduction in the subject's assessment is not warranted.

The appellant argued that the subject's assessment was not reflective of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has not been met and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal of the subject property with a final value conclusion of \$225,000 as of January 1, 2010 which is 24 months after the assessment date at issue, while the board of review submitted four sales of properties that occurred from 18 to 45 months prior to the assessment date at issue of January 1, 2008.

Given the adjustments stated in the appraisal report for market conditions as of 2010, the Board finds that the opinion of value cannot be relied upon for purposes of a market value determination as of January 1, 2008. Similarly, the Board finds that sales #3 and #4 presented by the board of review were not proximate in time to the assessment date at issue and therefore cannot be deemed to be valid indicators of the subject's market value as of January 1, 2008.

The Board finds the best sales evidence in this record for the January 1, 2008 valuation date at issue are appraisal sales #2 and #3 along with board of review sales #1 and #2. Each of these sales occurred from 22 months prior to 19 months after the valuation date at issue in this appeal. The properties sold between February 2006 and July 2009 for prices ranging from \$157,000 to \$455,000 or from \$39,250 to \$113,750 per unit including land. The subject's estimated market value of \$432,311 or \$108,078 per unit including land falls within the range of these most similar sales in this record. After considering adjustments to these comparables for differences when compared to the subject, the Property Tax Appeal Board finds the subject's

estimated market value as reflected by its assessment is supported. Therefore, no reduction is warranted.

In conclusion, the Board finds the evidence in this record does not demonstrate the subject property is overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and no reduction 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

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.