FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: John Templeton Jr
DOCKET NO.: 08-04524.001-R-3
PARCEL NO.: 06-35-400-002

The parties of record before the Property Tax Appeal Board are John Templeton Jr, the appellant, by attorney Ellen G. Berkshire, of Verros, Lafakis & Berkshire, P.C. in Chicago 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:	$711,070
IMPR.:	$434,560
TOTAL:	$1,145,630

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 190,052 square foot (4.36 acres) lot that is improved with an eighty year-old, part one-story and part two-story frame and masonry dwelling that contains 4,474 square feet of living area. Features of the home include a two-car attached garage, a two-car detached garage and a partial unfinished basement. The subject is located in Oak Brook, York Township, DuPage County.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a cost/sales ratio analysis of home sales in the subject's Breakenridge Farms subdivision. The analysis was performed by two persons, one of whom has the Member of the Appraisal Institute (MAI) designation, who are affiliated with Real Valuation Group, LLC. The cost portion of the analysis depicted 30 properties that range in size from 2,320 to 15,192 square feet of gross living area. These properties were said to have land values according to the assessor's opinion ranging from $298,200 to $2,133,210, estimated

replacement costs ranging from $526,211 to $3,880,699 and estimated depreciation ranging from 6% to 91% or from $228,653 to $1,698,429, resulting in remaining improvement values ranging from $58,709 to $3,647,857. These properties were described as having estimated total values ranging from $495,988 to $4,808,557.

The appellant's cost/sales ratio analysis next examined 13 sales of two-story and part one-story and part two-story homes that range in size from 3,453 to 11,053 square feet of living area. All but one of these homes were reported to have basements ranging in size from 1,067 to 6,187 square feet. The comparables were built between 1956 and 2000 and have one-car to five-car garages. The comparables were reported to have sold between July 2005 and October 2008 for prices ranging from $1,675,000 to $4,500,000. The comparables were said to have total assessments ranging from $428,230 to $1,444,990, reflecting assessor's opinions of value ranging from $1,284,690 to $4,334,970. According to the appraisers, the assessor's opinions of full market values vs. sales prices for these comparables ranged from -31.85% to +22.69% of the comparables' sales prices.

Next, the appellant submitted a chart entitled "Sales Ratio Study Indications and Cost Analysis Summary", which sorted the original 30 properties according to columns with headings of "Estimated value w/median $/square feet of living area of total area", "Estimated value w/median $/square feet of living area of GLA", "Average of GLA & total area", "Estimated total value via cost" and "Assessors opinion of market value". The next chart sorted the 30 properties by similar column headings, with a last column headed "Percentage of difference". In this column, the properties were indicated to range from -17.51% to +210.67%, with an average of 75.91%. Finally, the appellant's analysis included a chart depicting the 13 comparable sales described above, but with apparent adjusted sales prices ranging from $240.00 to $546.00 per square foot of living area and prices per square foot of total area ranging from $143.00 to $426.00. A cover letter accompanying the various charts submitted by the appellant and prepared by the above-referenced appraisers stated "After performing this analysis the indications were blended from the median sales price, average sales price, and cost analysis. These figures were compared to the township assessor's opinion of market value." No further explanation of how these charts and factors purportedly demonstrate how the subject's assessment was not reflective of its market value was provided. Based on this evidence the appellant requested the subject's total assessment be reduced to $858,585.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of $1,145,630 was disclosed. The subject has an estimated market value of approximately $3,443,433 or $769.65 per square foot of living area including land, as reflected by its assessment and the DuPage County 2008 three-year median level of assessments of 33.27%.

In support of the subject's assessment, the board of review submitted a letter prepared by the deputy township assessor, a corrected grid of the appellant's 13 comparable sales, property record cards, a grid analysis of five comparable properties and a grid of four land sales. The board of review's comparables consist of three, two-story homes of masonry exterior construction; one, one and one-half-story frame home; and one, part one-story and part two-story frame and masonry home. The comparables were built between 1929 and 1985 and range in size from 2,987 to 7,521 square feet of living area. These homes have basements ranging in size from 975 to 3,752 square feet and two-car to four-car garages. The comparables sold between May 2005 and May 2009 for prices ranging from $1,800,000 to $3,625,000 or from $465.36 to $602.61 per square foot of living area including land. The assessor's letter stated the subject's higher per square foot market value was justified "due to the large amount of land that the subject has 4.36 acres (sic). Most of the sales have lots around 1 acre."

To demonstrate the subject was equitably assessed, the grid also depicted these comparables' land and improvement assessments, as well as those of the subject. The comparables had lot sizes ranging from 31,524 to 123,710 square feet of land area and land assessments ranging from $213,910 to $496,690 or from $3.55 to $6.79 per square foot of land area. The subject has a land assessment of $711,070 or $3.74 per square foot of land area. The comparables also had improvement assessments ranging from $313,760 to $797,930 or from $72.53 to $164.57 per square foot of living area. The subject has an improvement assessment of $434,560 or $97.13 per square foot of living area. The deputy assessor's letter stated the subject's estimated market value as indicated on his grid was $3,436,890.

The board of review's land sales grid indicated the parcels range in size from 65,527 to 2,262,942 square feet and sold between July 2006 and August 2008 for prices ranging from $1,475,000 to $9,500,000 or from $14.31 to $24.92 per square foot of land area. The median was $20.335 per square foot.

The letter further stated the appellant's data had several errors. The deputy assessor's letter opined that the appellant's appraisers' cost analysis "is worthless as the appraiser (sic) did not use actual land sales data to begin the analysis." The deputy assessor also opined that "[T]he appellant has a partial sales ratio analysis which includes several neighborhoods. His sales ratio study is done using some kind of estimated values which doesn't make sense. Also, he should have done the entire township." Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 no reduction in the subject property's assessment is warranted.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to meet this burden.

The Board finds the appellant submitted a cost/sales ratio analysis including various charts that depicted 30 properties, as well as 13 sales. The comparables had limited descriptions and varied widely in size from 2,320 to 15,192 square feet of gross area. The 13 sales also differed significantly in living area, ranging from 3,453 to 11,053 square feet. The charts were confusing in their construction and incomplete in the data supplied. The charts and the appraisers' letter failed to demonstrate in a coherent manner that the subject's assessment was not reflective of its market value. Moreover, no source was provided as a basis for calculation of costs, which is the foundation of the analysis. For these reasons, the board gave no weight to the appellant's evidence and argument. Further, the Board finds the courts have held that in determining whether to use a township or county sales ratio, considerations of practicality dictate the use of the county ratio. People ex rel. Kohorst v. Gulf, Mobile & Ohio R.R. Co., 22 Ill.2d 104, 174 (1961). The courts look to the county as a whole in order to determine whether the property at issue is being assessed in accordance with the constitutional guaranty of equity and uniformity of taxation. Furthermore, the courts have held that "even if the studies show a disparity in the levels of assessment of residential property within the same township, we cannot find that the evidence shows that a township level of assessment, rather than a countywide level, is the proper one." In re App. Of County Treasurer (Twin Manors), 175 Ill.App.3d 562 (1st Dist. 1988). Thus, a review of case law indicates that the courts look at the "assessment level for the county as a whole" rather than selective sales in a given market area, as the appellant did in his assessment to sales ratio analysis. Therefore, the appellant's study cannot be said to demonstrate that the subject property was assessed at a disproportionately higher level of fair market value than other properties located within the same taxing jurisdiction.

The Property Tax Appeal Board further finds the appellant's sales ratio analysis is flawed in that it was not performed on a countywide basis, there was no showing that the sales used were selected at random and the appellants did not properly edit the data. (See Peacock v. Property Tax Appeal Board, 339 Ill.App.3d 1060, 1069 (4th Dist. 2003))

The Board finds the board of review submitted five comparable sales that were similar to the subject in location and some

features, although four differed in design and size. These properties sold for prices ranging from $1,800,000 to $3,625,000 or from $465.36 to $602.61 per square foot of living area including land. The subject's estimated market value of approximately $3,443,433 or $769.65 per square foot of living area including land, as reflected by its assessment, falls above these comparables. However, the Board finds the deputy assessor's letter stated the subject's higher per square foot market value was justified "due to the large amount of land that the subject has 4.36 acres (sic). Most of the sales have lots around 1 acre."

In conclusion, the Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined 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.

Chairman

Member

Member

Member

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: June 22, 2012

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.