



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

APPELLANT: Gerald Danzer
DOCKET NO.: 08-04848.001-R-1
PARCEL NO.: 03-08-302-011

The parties of record before the Property Tax Appeal Board are Gerald Danzer, the appellant, 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: \$74,590
IMPR: \$55,410
TOTAL: \$130,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story single family dwelling of frame construction containing approximately 1,862 square feet of living area. The subject property has a basement and central air conditioning. The dwelling was constructed in 1900. The property has a 17,673 square foot site and is located in Itasca, Addison Township, DuPage County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. The appellant testified the subject property is located in a historic district in Itasca. In support of the overvaluation argument the appellant submitted an appraisal estimating the subject property had a market value of \$300,000 as of November 7, 2008. The appraisal was prepared by Marie C. Ackerman of R. J. Schmitt & Associates, Inc. The appraisal indicates that Ackerman is an Illinois certified residential appraiser. The appraiser was not present at the hearing.

In estimating the market value of the subject property Ackerman developed the sales comparison approach to value using four sales and two listings. The comparables were composed of four, two-story dwellings and two, Cape Cod style dwellings. The dwellings

were located in Itasca and ranged in age from 32 to 104 years old. The homes ranged in size from 1,788 to 2,445 square feet of living area. Each comparable has a basement with two being finished with recreation rooms. Five of the comparables have central air conditioning, five of the comparables have 1 or 2 fireplaces and five comparables have two-car garages. Four comparables sold from November 2007 to September 2008 for prices ranging from \$250,000 to \$480,000 or from \$139.82 to \$211.36 per square foot of living area, land included. The two listings had prices of \$399,900 and \$499,000 or for \$169.59 and \$204.09 per square foot of living area, land included. After making adjustments for differences from the subject, the appraiser estimated the comparables had adjusted sales prices ranging from \$284,500 to \$331,500. Based on these sales the appraiser estimated the subject had a market value of \$300,000 as of November 7, 2008.

The appellant testified that comparables #1 and #6 in the appraisal are in the same historic district as the subject property. The appellant was of the opinion the appraised value was reflective of the property's market value 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 \$146,920 was disclosed. The subject's assessment reflects a market value of \$441,599 or \$237.16 per square foot of living area, land included, 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 "Addendum to Board of Review Notes on Appeal" and Exhibit #1 which includes a list of three sales indentified by the township assessor and the appellant's appraiser's six comparable sales. The township assessor's comparables were improved with two-story dwellings of frame or frame and brick construction that ranged in size from 1,956 to 2,248 square feet of living area. The dwellings were constructed in 1900 and 1925. Each comparable has a basement, each comparable has central air conditioning, two comparables have fireplaces and two comparables have either an attached or detached garage with 360 and 494 square feet of building area, respectively. The sales occurred from August 2005 to July 2007 for prices ranging from \$423,000 to \$518,000 or from \$216.26 to \$241.38 per square foot of living area, land included.

The board of review called as its witness Dawn Aderholt of the Addison Township Assessor's Office. She testified that the three comparables selected by the assessor's office were located within the subject's neighborhood. She acknowledged the sales occurred in 2005 and 2007 and further testified the there was some appreciation occurring from 2005 to 2007.

Ms. Aderholt further noted that appellant's comparable #6 sold in April 2009 for a price of \$395,000. The appraisal indicated this property was listed for a price of \$499,000. She testified this

property was located in the subject's historic district. The analysis further indicated that appellant's comparable #1 was also located in the subject's historic neighborhood.

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 appellant contends 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 sales in the record support a reduction in the subject's assessment.

In support of the complaint the appellant submitted an appraisal estimating the subject property had a market value of \$300,000 as of November 7, 2008. The Board finds, however, the appraiser was not present at the hearing to provide testimony about the appraisal or be cross-examined. Additionally, the appraisal estimated the market value of the subject approximately 11 months after the assessment date at issue. As a result, the Board gives less weight to the conclusion of value within the appraisal but will consider the comparable sales outlined in the report which were also detailed in the board of review submission.

The Board finds the record contains nine sales submitted by both parties. The Board gives little weight to comparables sales #2, #3, #4 and #5 contained in the appellant's appraisal due to the fact they were not located in the subject's historic district and the dwellings were significantly newer than the subject dwelling. The Board also gives little weight to board of review comparable sales #2 and #3 because they sold in August and November 2005, more than two years prior to the January 1, 2008 assessment date at issue.

The Board finds the three remaining comparables, appellant's comparables #1 and #6 and board of review comparable #1, were located in the subject's historic district. These three comparables were improved with two, 2-story dwellings and a 1½-story dwelling of frame construction that ranged in size from 1,788 to 2,445 square feet of living area. The dwellings were constructed from 1904 to 1939. The comparables had similar features as the subject dwelling. Board of review comparable number one sold in July 2007 for a price of \$518,000 or \$230.43 per square foot of living area, land included. Appellant's comparable #1 sold in September 2008 for a price of \$250,000 or \$139.82 per square foot of living area, land included. Appellant's comparable #6 was listed on the open market in May 2008 for a price of \$499,000 or \$204.09 per square foot of living area but ultimately sold in April 2009 for a price of \$395,000 or \$161.55 per square foot of living area, land included. The subject's assessment reflects a market value of \$441,599 or \$237.16 per square foot of living area, land included, which is above the range on a square foot basis as established by the best comparables in the record. Based on these sales the Property Tax Appeal Board finds a reduction in the subject's assessment is justified.

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 M. Louie

Member

Shawn R. Lerbis

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 24, 2011

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.