



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

APPELLANT: Edward McGoey
DOCKET NO.: 09-03111.001-R-1
PARCEL NO.: 05-17-418-047

The parties of record before the Property Tax Appeal Board are Edward McGoey, 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: \$26,600
IMPR: \$147,400
TOTAL: \$174,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a 2-story townhouse of frame and brick construction. The dwelling contains 2,036 square feet of living area and was built in 1998. Features of the townhome include a partial basement with finished area, central air conditioning, 2 fireplaces and a 500 square foot detached garage. The subject is located in Wheaton, Milton Township, DuPage County.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. The appellant submitted information on one comparable property located in the same complex as the subject. The comparable is described as a 2-story townhouse of brick and frame construction. The dwelling was built in 1998 and contains 2,204 square feet of living area. The comparable features a full unfinished basement, central air conditioning, 2 fireplaces and a 500 square foot detached garage. The comparable sold in July 2008 for \$535,000 or \$242.74 per square foot of living area including land. Based on this record, the appellant requested the subject's assessment be reduced to \$174,000 which would reflect a market value of approximately \$522,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$192,130 was disclosed. The subject's total assessment reflects an estimated market value of \$577,661 or \$283.72 per square foot of living area, land included, using the 2009 three-year median level of assessments for DuPage County of 33.26% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review presented descriptions and assessment information on six comparable properties in the form of a grid analysis, property record cards and a map. The board of review's comparable B and the appellant's comparable #1 are the same property. The six comparable dwellings were built between 1997 and 2008 and consist of 2-story townhouses of brick and frame construction. The dwellings range in size from 2,204 to 2,665 square feet of living area. Features include full basements, two with finished area, central air conditioning, 1 or 2 fireplaces and garages that contain between 398 and 500 square feet. The comparables sold between January 2006 and July 2008 for prices ranging from \$535,000 to \$768,963 or from \$242.74 to \$308.53 per square foot of living area including land.

The property record card for comparable A submitted by the board of review shows that comparable A also sold in November 2009 for \$485,000 or \$220.05 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant states the board of review excluded a significant fact. The appellant claims he filed an appeal with the board of review in 2010 at which time the board of review agreed to lower the subject's 2010 assessment to \$166,430, or a reduction of 13.4%. This claim is supported by the property record card submitted by the board of review where the subject's 2010 assessment is listed as \$166,430. The appellant claims it is unlikely that the subject lost 13.4% of its value in one year, and that instead the reduction has occurred over several years, including 2009, the year of this appeal.

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 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. When market value is the basis of the appeal, the value must be proven 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 of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record,

the Board finds a reduction in the subject's assessment is warranted.

Initially, the Board finds that, although the appellant checked "recent sale" on the appeal form as the basis of the appeal, the appellant actually submitted data on a comparable sale. Therefore, the Board will analyze the comparable sales submitted by both parties to determine whether the subject property is overvalued.

The Board finds comparable C, D, E and F submitted by the board of review were significantly larger than the subject, newer than the subject and located in different complexes than the subject. Comparables C, D, E and F¹ submitted by the board of review sold more than a year prior to the subject's assessment date of January 1, 2009 and therefore are not representative of market value. These comparables received less weight in the Board's analysis. The Board finds comparables A and B submitted by the board of review and comparable #1 submitted by the appellant were similar to the subject in age, size, location, style, exterior construction and features. The appellant's comparable #1, which is the same property as the board of review's comparable B, sold in July 2008 for \$535,000 or \$242.74 per square foot of living area including land. Although it was not disclosed in the grid analysis, the board of review's comparable A, according to the property record card, sold in November 2009 for \$485,000 or \$220.05 per square foot of living area including land. The subject's assessment reflects a market value of \$577,661 or \$283.72 per square foot of living area including land, which is above the range established by these comparables. The Board finds the best evidence of the subject's market value in the record are the two properties that are located within the same complex as the subject and which sold within a year of the subject's valuation date of January 1, 2009. The Board finds the assessment reduction in 2010 further supports the fact that the subject's 2009 assessment is incorrect. Therefore, the Board finds the appellant has proven through a preponderance of the evidence that the subject is overvalued and a reduction in the subject's assessment equivalent to the appellants' request is appropriate.

¹ Comparable A was sold in 2009 per the property record card.

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: May 18, 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.