



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

APPELLANT: Daniel Streckert
DOCKET NO.: 09-03357.001-R-2
PARCEL NO.: 09-01-116-023

The parties of record before the Property Tax Appeal Board are Daniel Streckert, the appellant, by attorney LeRoy R. Hansen in Willowbrook, the DuPage County Board of Review; the Hinsdale Township High School District 86 intervenor, by attorney Alan M. Mullins of Scarioano, Himes and Petrarca in Chicago.

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: \$192,510
IMPR: \$601,750
TOTAL: \$794,260

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains approximately 22,616 square feet of land area improved with a 3-story dwelling of frame and masonry construction. The dwelling contains approximately 5,965 square feet of living area¹ and is 6 years old having been built in 2003. Features of the home include a full basement with 75% finished area, 4 fireplaces, central air conditioning and a 3-car garage containing 770 square feet. The property is located in Hinsdale, Downers Grove 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 an appraisal report prepared by Susan Schmit in which a market value of \$2,000,000 or \$335.29 per square foot of living area including land was estimated for the subject property as of January 1,

¹ The board of review claims the dwelling contains 5,965 square feet of living area and submitted a property record card and schematic diagram to support the claim. The appellant stated in Section III of the Appeal Form that the dwelling contains 5,965 square feet of living area. The appellant's appraiser claims the subject contains 5,987 square feet of living area and submitted a schematic diagram with the appraisal to support the claim.

2009. The appraiser developed the sales comparison approach in estimating the fair market value of the subject property.

The appraiser considered five comparable properties. The comparables are located a distance of one block to 1 mile from the subject. The lots range in size from 7,946 to 23,820 square feet of land area. The comparables are 2 or 3-story dwellings of frame or frame and masonry construction. They range in size from 4,919 to 6,586 square feet of living area and range in age from new construction to 10 years. The comparables feature finished basements, two with walk-out. The appraiser graded the quality of the finish as either average or good. Other features include central air conditioning, 4 or 7 fireplaces² and 3 or 4-car garages that range in size from 783 to 924 square feet³. The comparables sold between December 2007 and December 2008⁴ for prices ranging from \$1,975,000 to \$2,918,500, or from \$393.66 to \$491.93 per square foot of living area including land⁵.

The appraiser adjusted the five comparables for date of sale (approximately 10% per year), location (close to a busy street), site, age, condition (new construction), room count, gross living area, basement (walkout and finish quality), garage size, deck/patio/pool, fireplaces, and upgrades (superior quality interior upgrades). The appraiser did not adjust for quality of construction on the dwelling that lacked masonry in its construction. The appraiser did not include photographic evidence of the comparables or the subject's interior, nor was the appraisal signed. The final adjusted sale prices of the comparables range from \$1,953,000 to \$2,056,000 or from \$309.98 to \$404.56 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$2,000,000 or \$335.29 per square foot of living area including land as of January 1, 2009 using the sales comparison approach.

The appellant also submitted property record cards for all five comparables used in the appraisal. In several instances the property record cards contain data that is inconsistent with the appraisal.

Based on this evidence, the appellant requested that the subject's assessment be reduced to \$666,666 which would reflect a market value of approximately \$2,000,000 at the statutory level of assessment of 33.33%.

² The board of review claims the comparables contain 4, 5 or 6 fireplaces and submitted property record cards to support their claim. The appellant also included property record cards documenting the same number of fireplaces.

³ The garage sizes are taken from property record cards submitted by the appellant.

⁴ The appraiser claims comparable #1 sold in December 2008 but the property record card submitted by the appellant shows the sale occurred in December 2009.

⁵ The appraiser claims comparable #2 sold in September 2008 for \$1,975,000 but the board of review has no record of this sale.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$794,260 was disclosed. The subject's assessment reflects an estimated market value of \$2,388,034 or \$400.34 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. (86 Ill.Admin.Code Sec 1910.50(c)(1)).

In support of the subject's assessed value, the board of review submitted a grid analysis and property record cards for three comparable properties (and the five comparables used by the appraiser). The board of review's comparables were built between 2003 and 2008 and contain between 4,911 and 5,782 square feet of living area. The comparables are 3-story dwellings that feature full basements with either 25% or 100% finished area, central air conditioning, 4 or 6 fireplaces and garages that range in size from 760 to 858 square feet. These comparables sold from March through June 2009 for prices ranging from \$2,100,000 to \$2,365,000 or from \$404.49 to \$427.61 per square foot of living area including land.

The board of review takes issue with several items in the appraisal report. The appraiser adjusted (lowered) the comparables based on their sale dates by approximately 10% per year, but the board of review points out the appraiser submitted no market evidence to support that number. The appraiser adjusted the comparables for location, citing the subject is in close proximity to a busy street (Ogden Avenue). The board of review questions what evidence the appraiser used in determining the values of these adjustments. The board of review cites the subject is on a dead end street and south of Ogden Avenue and is not inferior to comparable #1. The board of review also claims Garfield and Madison streets have similar traffic patterns to Ogden but comparables close to those streets were not adjusted. The board of review further claims the appraiser did not properly adjust the comparables for basements in that the appellant's comparables #2 and #3 have fewer finished square feet in the basement than the subject. Finally, the board of review claims the \$200,000 adjustments for upgrades to comparables #3, #4 and #5 are not explained by the appraiser. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In its brief the intervenor argued that, while the appraiser performed an exterior/interior inspection of the subject, the appraiser states in the appraisal report that "information pertaining to the...comparable sale properties was obtained from reliable sources and is assumed to be accurate". The intervenor argues the Property Tax Appeal Board cannot rely on the appraisal in determining the market value of the subject, claiming the adjustments are unreliable. The intervenor states that the appraiser valued the differences between the comparables and the subject without inspecting the inside of the comparables and only saw their outside while driving by.

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 does not support 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 not warranted.

Initially, the Board finds the correct size of the subject to be 5,965 square feet of living area. Both the board of review and the appellant claim the subject contains 5,965 square feet of living area. The appraiser claims the subject contains 5,987 square feet of living area.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$2,000,000 as of the subject's valuation date of January 1, 2009. Comparable #5 was sold in December 2007 more than a year prior to the subject's assessment date of January 1, 2009. Although the appraiser adjusted this sale, and all other sales, by approximately 10% per year, the appraiser did not explain how this adjustment was arrived at, and no evidence from the marketplace was submitted in support of this adjustment. In the appraisal, the sale date of appellant's comparable #5 was shown as December 2007 but on the property record card submitted by the appellant the date is listed as August 2007. No explanation was given for this discrepancy. The appraiser claims that comparable #2 sold in August 2008 but there is no record of the sale on the property record card submitted by the appellant.

The Board further finds that the arguments presented by the board of review and the intervenor have merit in that significant adjustments were made to the comparables based on their interiors which, according to the appraiser, came from "reliable sources" which were not identified and "assumed to be accurate" with no evidence to support the amount of the adjustment. The Board also finds several unexplained inconsistencies and omissions in the appraisal report such as comparable #4's lack of adjustment for no brick trim, conflicting data on the number of fireplaces in comparables #1 and #5, the finish or lack thereof for comparable #4's basement, no photographic evidence of the comparables or the interior of the subject, and no signature of the appraiser on the report. While none of these items by themselves are significant enough to reject the value conclusion in the appraisal, taken as

a whole they establish a pattern of missing, unexplained and/or conflicting data. Therefore, based on this evidence, the Board finds the value conclusion in the appraisal report is not a reliable and valid indicator of the subject's estimated market value.

Having discounted the value conclusion contained in the appraisal, the Board will examine all of the sales presented in the record. Examining the eight comparables submitted by both parties, the Board finds the appellant's comparable #5 sold more than a year prior to the subject's valuation date of January 1, 2009. Therefore this comparable received less weight in the Board's analysis. The Board finds the appellant's comparables #1, #2, #3 and #4 and the board of review's comparables #1, #2 and #3 are similar to the subject in location, size, age, style, exterior construction and features, and sold within a year of the subject's assessment date. These comparables sold between June 2008 and December 2009 for prices ranging from \$1,975,000 to \$2,500,000 or from \$393.66 to \$491.93 per square foot of living area including land. The subject's estimated market value based on its assessment is \$2,388,034 or \$400.34 per square foot of living area, land included, which is within the range established by these similar comparables on a square foot basis. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value. Therefore, the Board finds the appellant has failed to prove by a preponderance of the evidence that the subject property is overvalued and no reduction in the subject's assessment 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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

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.