



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

APPELLANT: Patricia Allen
DOCKET NO.: 09-03417.001-R-1
PARCEL NO.: 06-14-207-022

The parties of record before the Property Tax Appeal Board are Patricia Allen, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. in Chicago; 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: \$62,740
IMPR: \$60,340
TOTAL: \$123,080**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains approximately 7,852 square feet of land¹ which is improved with a 1-story ranch dwelling of brick and frame construction containing approximately 1,739 square feet of living area.² The dwelling is 45 years old having been built in 1964. Features of the home include full basement with finished area, central air conditioning and a 2-car garage. The dwelling is located in Elmhurst, York 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 Israel Smith of I & M Valuation, P.C. in which a market value of \$340,000 or \$195.51 per square foot of living area including land was estimated for the subject property as of January 1, 2009. The appraiser developed the sales

¹ The board of review claims the subject contains 7,852 square feet of land area. The appraiser claims the subject contains 7,130 square feet of land area but states in the appraisal report that "site measurements are subject to verification...and not assumed to be exact".

² Both the appellant and the appraiser claim the subject contains 1,739 square feet of living area and supported the claim with a detailed drawing of the subject with dimensions in the appraisal. The board of review claims the subject contains 1,812 square feet of living area but submitted no evidence to support the claim.

comparison approach and the cost approach in estimating the fair market value of the subject property.

In the sales comparison approach, the appraiser considered three comparable properties. The comparables are located a distance of 0.37 to 0.83 of a mile from the subject. The lots range in size from 7,601 to 14,826 square feet of land area. Two comparables are ranch dwellings and one is a 1½-story dwelling³. The dwellings are frame or brick and frame construction. They range in size from 1,599 to 1,808 square feet of living area and range in age from 46 to 58 years. The comparables feature full or partial basements, one of which has finished area. Other features include central air conditioning and 1 or 2-car garages. These comparables sold between January and July 2008 for prices ranging from \$322,000 to \$360,000 or from \$190.82 to \$202.36 per square foot of living area including land.

The appraiser adjusted the comparables for lot size, room count, gross living area, basement size and finish, functional utility and garage size. The final adjusted sale prices of the comparables range from \$330,000 to \$362,500 or from \$190.82 to \$206.38 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$340,000 or \$195.51 per square foot of living area including land as of January 1, 2009 using the sales comparison approach.

In the cost approach the appraiser estimated the value of the subject to be \$349,845 or \$201.18 per square foot of living area including land.

In the reconciliation, the appraiser gave greatest weight to the sales comparison approach since market actions of buyers and sellers are best represented by the sales comparison approach. Based on this evidence, the appellant requested that the subject's assessment be reduced to \$113,322 which would reflect a market value of approximately \$340,000 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 \$152,410 was disclosed. The subject's assessment reflects an estimated market value of \$458,238 or \$263.51 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 of three comparable properties⁴. The board of review also included in the grid analysis the appellant's comparables. The board of review's three comparables

³ In rebuttal the attorney claims this is actually a split-level dwelling.

⁴ The board of review submitted six comparables in one grid and three comparables in a revised grid. The second three are included in the first six.

were built from 1956 to 1960 and range in size from 1,288 to 1,397 square feet of living area. The comparables are ranch-style dwellings of frame and masonry construction. They feature full basements and 1 or 2-car garages. The comparables sold from May through December 2008 for prices ranging from \$325,000 to \$395,000 or from \$232.64 to \$286.44 per square foot of living area including land.

In an attached memorandum from the assessor's office to the board of review, the assessor disclosed that in 2009 the assessment was lowered to \$152,410. In 2010 the parties stipulated to lowering the assessment again to \$123,080. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney submitted a brief claiming the board of review's comparables are much smaller than the subject resulting in a higher price per square foot. The attorney also claims appraiser's comparable #3 is listed incorrectly on the board of review's original grid analysis. The second grid analysis prepared by the board of review shows comparable #3 as a split level home containing 1,779 square foot of living area which the attorney claims is correct. The attorney further claims that the square footage of a property is usually a more accurate indication of the subject's fair market value than style alone.

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 the correct size of the subject to be approximately 1,739 square feet of living area. Both the appellant and the appraiser claim the subject contains 1,739 square feet of living area and submitted a detailed schematic drawing of the subject with dimensions in support of the claim. The board of review claims the subject contains 1,812 square feet of living area but submitted no evidence to support the claim. The Board further finds the subject contains 7,852 square feet of land area. The board of review claims the subject contains 7,852 square feet of land area. The appraiser claims the subject contains 7,130 square feet of land area but states in the

appraisal report that "site measurements are subject to verification...and not assumed to be exact".

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$340,000 as of the subject's valuation date of January 1, 2009. In the appraisal report, the appraiser adjusted comparable #3 for having a lot twice the size of the subject. The adjustment was \$2,500 or \$.36 per square foot of land area. In the cost approach, the appraiser valued the subject lot at \$110,000 or \$14.01 per square foot of land area. No explanation was given for the low adjustment to comparable #3 which is inconsistent with the land value in the appraiser's cost approach. Comparable #3 lacked brick in its construction but the appraiser did not adjust for this significant difference. In the "One-Unit Housing Trends" section of the appraisal report, the appraiser states the property values are declining. However, the appraiser did not adjust comparable #1 which sold a full year prior to the subject's valuation date of January 1, 2009. Comparable #3 is not a ranch home and the appraiser did not adjust for this difference in style. Given these unexplained and inconsistent adjustments, 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. The Board finds the appellant's comparable #3 differed significantly in style and construction from the subject, and the board of review's comparable #2 (in the revised grid analysis) was significantly smaller than the subject. Therefore, these comparables received less weight in the Board's analysis. The Board finds the appellant's comparables #1 and #2 and the board of review's comparables #1 and #3 most similar to the subject in style, exterior construction, size, features and age. Therefore these comparables received the most weight in the Board's analysis.

These four comparables sold from January through December 2008 for prices ranging from \$322,000 to \$395,000 or from \$190.82 to \$286.44 per square foot of living area including land. The subject's estimated market value based on its assessment is \$458,238 or \$263.51 per square foot of living area, land included. Although the price per square foot is within the range of these most similar comparables, the estimated market value is not. After considering the stipulation submitted in evidence and agreed to by all parties in which the value of the subject is set at approximately \$370,000, which is within the range of these comparables, the Board finds the subject property is overvalued and a 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.