



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

APPELLANT: Eugene & Georgia Kent
DOCKET NO.: 09-03815.001-R-1
PARCEL NO.: 09-04-105-025

The parties of record before the Property Tax Appeal Board are Eugene & Georgia Kent, the appellants, by attorney Mark G. Kent of Kent Law Offices in Naperville; 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: \$54,960
IMPR: \$57,858
TOTAL: \$112,818**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains approximately 10,511 square feet of land area improved with a split-level dwelling of brick and frame construction¹. The dwelling contains 2,754 square feet of living area² and is 38 years old having been built in 1971. The home is on a part crawl-space, part slab foundation. Features of the home include a fireplace, central air conditioning and a 2-car garage containing 484 square feet. The dwelling is located in Downers Grove, Downers Grove Township, DuPage County.

The appellants' appeal is based on unequal treatment in the assessment process and overvaluation. The appellants submitted an appraisal report prepared by Charles R. Graf in which a market value of \$318,000 or \$115.47 per square foot of living area including land was estimated for the subject property as of January 1, 2010, one year after the subject's assessment date of

¹ The board of review claims the dwelling is frame construction but the photographic evidence confirms the appellants' claim that the dwelling is brick and frame construction.

² The board of review claims the dwelling contains 2,720 square feet of living area and submitted a schematic diagram to support the claim. The appraiser claims the dwelling contains 2,754 square feet of living area and submitted a schematic diagram to support the claim. The board of review's diagram lacks the bay window which would account for the difference in size.

January 1, 2009. The appraiser developed the sales comparison approach and the cost approach to value in estimating the fair market value of the subject property.

In the sales comparison approach, the appraiser considered three comparable properties. The comparables were located between 0.07 of a mile and 1.00 mile from the subject. The lots range in size from 9,800 to 10,511 square feet of land area. All of the comparables are split-level dwellings³ of frame and masonry construction. They range in size from 1,428 to 2,626 square feet of living area and range in age from 38 to 52 years, having been built between 1957 and 1971. The comparables feature central air conditioning and 1 or 2-car garages. Two comparables feature partial basements with finished area and two feature fireplaces. The appraiser claims comparable #1 is the same model as the subject. The comparables sold between August and December 2009 for prices ranging from \$290,000 to \$305,000 or from \$116.15 to \$212.18 per square foot of living area including land.

The appraiser adjusted the comparables for location, room count, gross living area, basement size and finish, garage, fireplace and modernization. The appraiser did not adjust for the sale dates, claiming "the median sales prices in the Downers Grove market are considered to be stable". The final adjusted sale prices of the comparables range from \$302,500 to \$321,000 or from \$121.10 to \$224.79 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$318,000 or \$115.47 per square foot of living area including land as of January 1, 2010.

In the cost approach the appraiser estimated the value of the subject to be \$351,500 or \$127.63 per square foot of living area including land. In the reconciliation, the appraiser gave greatest weight to the sales comparison approach supported by the cost approach.

Based on this evidence, the appellants requested that the subject's assessment be reduced to \$108,334 which would reflect a market value of approximately \$325,000 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 \$154,730 was disclosed. The subject's assessment reflects an estimated market value of \$465,213 or \$168.92 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 four comparable properties and submitted property record cards for the comparables. All of the comparables feature brick and frame construction and are located

³ Based on the photographic evidence.

in the same "DLM" neighborhood as the subject. The board of review's four comparables were built from 1969 to 1972 and range in size from 2,080 to 2,392 square feet of living area. The comparables are 2-story dwellings of frame construction. They feature full or partial unfinished basements and garages that range in size from 399 to 662 square feet. Three comparables have central air conditioning and three have fireplaces. The comparables sold from November 2007 through October 2008 for prices ranging from \$400,000 to \$465,000 or from \$167.22 to \$215.28 per square foot of living area including land.

The board of review takes issue with the appraisal report, citing the date of the appraisal one year after the subject's assessment date, and the sale dates of the comparables.

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 appellants contend 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 Sec. 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds the appellants submitted an appraisal of the subject property with a final value conclusion of \$318,000 or \$115.47 per square foot of living area including land as of January 1, 2010, a year after the subject's assessment date of January 1, 2009. The appraiser did not adjust either the sale dates of the comparables or the value conclusion for this one-year time difference. The appraiser claims the real estate market was stable, but this statement is refuted by two sales submitted in evidence. Appellants' comparable #3 was sold in June 2007 for \$320,000 and again in December 2009 for \$290,000. This property declined at the rate of approximately 0.30% per month or 3.6% per year. The board of review's comparable #3 was sold in January 2008 for \$465,000 and again in May 2010 for \$420,000. This property declined at the rate of approximately 0.33% per month or 4.0% per year. Based on this evidence, the appraiser should have adjusted the appellants' comparable #3 and the final value conclusion. Therefore the Board finds the value conclusion in the appraisal report is not a reliable or credible indicator of the subject's estimated market value.

Having discounted the appraisal, the Board will examine all of the raw sales presented in the record. Examining the seven

comparable properties submitted by both parties, the Board finds the appellants' comparables #2 and #3 are significantly smaller than the subject and comparable #4 submitted by the board of review sold more than a year prior to the subject's assessment date of January 1, 2009. Therefore these comparables received less weight in the Board's analysis. The remaining four comparables were similar to the subject in location, exterior construction, age, size, features and style. These comparables sold from January 2008 through August 2009 for prices ranging from \$305,000 to \$465,000 or from \$116.15 to \$215.28 per square foot of living area including land. The subject's estimated market value based on its assessment is \$465,213 or \$168.92 per square foot of living area, land included.

However, after considering all the comparable sales, the Board finds the appellants' comparable #1 is the best evidence in the record of the subject's market value. It is the same model as the subject, located on the same street, similar in size and age, and on the same size lot as the subject. This comparable sold in August 2009, 8 months after the subject's assessment date, for \$305,000 or \$116.15 per square foot of living area including land. After applying the appraiser's adjustment of \$10,000 for modernization, and adjusting for the date of sale at 4% per year, the Board finds the subject has an estimated market value of \$339,200 as of January 1, 2009. Since market value has been established, the 2009 DuPage county three-year median level of assessments of 33.26% shall apply.

The appellants also contend unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellants have not met this burden.

The appellants did not submit any equity comparables to support the claim that the subject is inequitably assessed. Therefore, the Board finds the appellants have not proven through clear and convincing evidence that the subject's improvement assessment is inequitable and no further 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.