



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

APPELLANT: Mario Cirignani
DOCKET NO.: 09-03846.001-R-2
PARCEL NO.: 09-01-418-009

The parties of record before the Property Tax Appeal Board are Mario Cirignani, the appellant, by attorney LeRoy R. Hansen in Willowbrook, the DuPage County Board of Review; the Hinsdale THSD 86 intervenor, by attorney Alan M. Mullins of Scariano, 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: \$129,700
IMPR: \$183,310
TOTAL: \$313,010

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains approximately 12,505 square feet of land area improved with a 2-story multi-family dwelling of frame construction. The four-apartment dwelling contains approximately 3,585 square feet of living area¹ and is 109 years old having been built in 1900. Features of the dwelling include a full unfinished basement, 1 fireplace and a garage containing 464 square feet. Each of the four apartments features one bedroom and one bath. 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 M. L. Weber in which a market value of \$575,000 or \$160.39 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 3,272 square feet of living area and submitted a property record card and schematic diagram with dimensions rounded to nearest foot to support the claim. The appraiser claims the subject contains 3,585 square feet of living area and submitted a detailed schematic diagram in the appraisal with dimensions round to the nearest tenth of a foot to support the claim.

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

The appraiser presented three sets of comparables, one set of three rental properties and two sets of three sales comparables. For purposes of this analysis, these will be referred to as rental comparables #1 through #3 and sales comparables #1 through #6. All nine comparables are located between 0.17 of a mile and 2.01 miles from the subject.

Rental comparables #1, #2 and #3 each contain one unit. They range in size from 1,304 to 3,092 square feet of living area and range in age from 55 to 87 years old. The rent for these comparables ranges from \$1,400 to \$4,000 per month. The appraiser included these single-family rental comparables since there were no comparable multi-family rental properties in the subject neighborhood. The appellant disclosed that rental comparables #2 and #3 sold in January 2006 and August 2007 for \$935,000 and \$1,075,000².

Sales comparables #1, #2 and #3 are duplex rental properties on parcels of land either 9,375 or 9,900 square feet in size. These comparables are 2-story walk-up dwellings of brick construction, 42 or 43 years old having been built in 1966 or 1967. They range in size from 2,862 to 3,478 square feet of living area. The appraiser estimated the monthly rent for these comparables at \$2,250 to \$2,350 per month. Based on these estimates, the appraiser then calculated monthly gross rent multipliers for these comparables that range from \$145.74 to \$184.44. These comparables sold from December 2007 through May 2008 for prices ranging from \$342,500 to \$415,000 or from \$106.38 to \$121.63 per square foot of living area. The appraiser adjusted the comparables for location, site, view, quality of construction, gross building area, unit characteristics, basement, parking, porch/patio/deck and modernization. The final adjusted sale prices of the comparables range from \$572,500 to \$584,000 or from \$165.90 to \$200.03 per square foot of living area including land.

Sales comparables #4, #5, and #6 were single family homes, not rentals. The appraiser added these comparables to demonstrate values in the subject neighborhood. The comparables are on parcels that range in size from 7,860 to 13,090 square feet of land area. The dwellings are frame or frame and masonry construction and range in age from 55 to 102 years having been built between 1907 and 1954. They range in size from 1,832 to 2,530 square feet of living area. Features include basements, two with finished area, central air conditioning, fireplaces and 2-car garages. These comparables sold from February through December 2008 for prices ranging from \$555,000 to \$717,812 or from \$276.28 to \$302.95 per square foot of living area. The appraiser adjusted the comparables for location, site, view, quality of construction, condition, gross living area, room

² Based on property record cards submitted by the appellant.

count, finished basement, functional utility, heating/cooling, garage, fireplaces and modernization. The final adjusted sale prices of the comparables range from \$556,000 to \$600,812 or from \$228.06 to \$303.49 per square foot of living area including land.

Regarding the income approach, the appraiser estimated the monthly gross rent multiplier to be \$157.00. Multiplied by the subject's monthly rent of \$3,700, the appraiser arrived at a value of \$580,900 or \$162.04 per square foot of living area including land.

Regarding the sales comparison approach, the appraiser estimated the subject's fair market value as of January 1, 2009 to be \$575,000 or \$160.39 per square foot of living area including land.

In reconciliation, the appraiser gave the most weight to the sales comparison approach as it most represents the actions of buyers and sellers. Based on this analysis the appraiser estimated the subject's fair market value to be \$575,000 or \$160.39 per square foot of living area including land as of January 1, 2009.

The appellant also submitted a Comparative Market Analysis prepared by Leslie O'Hare of ERA Jensen & Feinstein in which a market value of \$494,200 was estimated for the subject from 16 comparables that had sold, were for sale or were pending sale. The realtor attached the real estate listings used in the analysis.

Based on this evidence, the appellant requested that the subject's improvement assessment be reduced to \$61,970 making the total assessment \$191,670 which would reflect a market value of approximately \$575,000 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 \$313,010 was disclosed. The subject's assessment reflects an estimated market value of \$941,100 or \$262.51 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)). The subject has an improvement assessment of \$183,310, or \$51.13 per square foot of living area, and a land assessment of \$129,700 or \$10.37 per square foot of land area. The subject's improvement assessment reflects an estimated market value of \$551,143 or 153.74 per square foot of living area. The subject's land assessment reflects an estimated market value of \$389,958 or \$31.18 per square foot of land area.

In support of the subject's assessed value, the board of review submitted a grid analysis and property record cards for four comparable properties. The board of review's comparables are

single-family residences³. Three of the comparables range in age from 81 to 111 years having been built from 1898 to 1928 and one was built in 1860 with additions in 1988 and 2002. These comparables range in size from 1,792 to 4,610 square feet of living area. The comparables are 2-story dwellings that feature full or partial unfinished basements, 1 to 3 fireplaces and garages that range in size from 360 to 576 square feet. Two comparables feature central air conditioning. These comparables sold from November 2007 through June 2008 for prices ranging from \$635,000 to \$1,585,000 or from \$343.82 to \$355.56 per square foot of living area including land. These comparables have improvement assessments ranging from \$94,400 to \$363,670 or from \$41.62 to \$87.91 per square foot of living area.

The board of review submitted property record cards for the appellant's comparables, in which they disclosed that the appellant's rental comparable #2 sold in January 2006 for \$935,000 and rental comparable #3 sold in August 2007 for \$1,075,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The intervenor adopts the evidence submitted by the DuPage County Board of Review and did not submit any other evidence.

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 Sec. 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 3,585 square feet of living area. The board of review claims the subject contains 3,272 square feet of living area and submitted a schematic drawing with dimensions rounded to the nearest foot. The appraiser claims the subject contains 3,585 square feet of living area and submitted a detailed schematic drawing with dimensions rounded to tenths of feet. Although the difference between the two sizes is more than rounding, based on the precision of the measurements of the appraiser to tenths of feet, the Board finds the subject has a dwelling size of approximately

³ Based on the property record card.

3,585 square feet of living area based on the best evidence in this record.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$575,000 as of the subject's valuation date of January 1, 2009. The appraiser submitted three sets of comparables - rental comparables #1 to #3, sales comparables (rental properties) #4 to #6 and sales comparables (single family homes) #7 to #9. The Board will address each set of comparables separately.

Regarding the rental properties, the appraiser computed the rent per square foot of building area but did not use the rental information to compute the gross rent multiplier. According to the property record cards, comparable #2 sold January 2006 for \$935,000 and comparable #3 sold August 2007 for \$1,075,000, both within three years of the subject's assessment date of January 1, 2009. Comparables #2 and #3 have monthly rents of \$4,000 and \$2,600 respectively. Therefore, comparables #2 and #3 have gross rent multipliers of \$233.75 and \$413.46 respectively. Using these gross rent multipliers, the fair market value of the subject ranges from \$837,994 to \$1,482,254. These two comparables sold for \$354.97 and \$347.67 respectively. Using their "per square foot" value, the fair market value of the subject ranges from \$1,272,567 to \$1,246,397.

Regarding sales comparables #1, #2 and #3, the appraiser computed the gross rent multiplier, but estimated the monthly rent for the properties, making the gross rent multiplier unreliable. The appraiser also made adjustments to the comparables, such as \$150,000 for location, with no market value evidence to support the adjustment. The appraiser adjusted each of the comparables for 12 differences, but did not adjust for age, even though the comparables were significantly newer than the subject. The appellant did not refute the board of review's land assessment of \$129,700 which reflects an estimated market value of \$389,958 or \$31.18 per square foot of land area. However, the appraiser adjusted the lot sizes of the comparables based on approximately \$5.00 per square foot of land area. Based on this evidence, the Board gave little weight to the appellant's sales comparables #1, #2 and #3.

Regarding sales comparables #4, #5 and #6, the appraiser used the same adjustment factors used in sales comparables #1, #2 and #3 to determine adjusted sale prices ranging from \$556,000 to \$600,812 or from \$228.06 to \$303.49 per square foot of living area. Given the subject's size of 3,585 square feet of living area, these comparables suggest a fair market value of the subject ranging from \$817,595 to \$1,088,012.

None of these value estimates support the appraiser's value conclusion of \$575,000. Therefore, the Board finds the appraisal report is not a reliable or credible indicator of the subject's fair market value.

Using the data from the appraisal, the Board finds the value of the subject ranged from \$817,595 to 1,482,254 using both the sales comparable approach and the income approach utilizing the gross rent multiplier. The subject's assessment reflects an estimated market value of \$941,100, which is within the range established by these comparables. This value is supported by the board of review's comparables which sold for prices ranging from \$635,000 to \$1,585,000

The appellant also submitted in evidence a Comparative Market Analysis of the subject. In that analysis, the realtor presented 16 comparable properties that were listed or sold for prices ranging from \$399,000 to \$599,900. This analysis implies there were no properties in the area with prices exceeding \$599,900. The Board finds this is not true based on the comparables submitted by the board of review and the appraiser. It appears the listing of comparables was generated by establishing a minimum price of \$399,000 and a maximum price of \$600,000. Therefore, the Board gave no weight to this analysis.

Having discounted the value conclusions contained in the appraisal report and the comparative market analysis, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value 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.