



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

APPELLANT: Debora Newman
DOCKET NO.: 09-04064.001-R-2 through 09-04064.002-R-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Debora Newman, the appellant, by attorney Thomas J. McCracken, Jr., of Thomas J. McCracken, Jr. & Associates in Chicago; 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 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-04064.001-R-2	09-01-106-011	341,240	628,030	\$969,270
09-04064.002-R-2	09-01-106-010	144,940	0	\$144,940

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two parcels totaling 75,176 square feet of land area improved with a two-story brick dwelling built in 2004. The subject contains 7,144 square feet of living area.¹ Features include a partial basement that is partially finished, 1,380 square feet of garage area, central air conditioning, a pool, hot tub, pool house, patios and six fireplaces. The subject is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property with an effective date of January 1, 2009. The

¹ The board of review reported the subject's size at 7,042 square feet of living area based on field measurements.

appraiser used the sales comparison approach in estimating a value for the subject of \$3,350,000.

Susan Schmit, an Illinois Certified Residential Appraiser was called as a witness. Schmit testified that she personally measured the subject property. In the sales comparison approach, the appraiser examined four comparable properties. The comparables are situated on lots ranging in size from 15,600 to 31,536 square feet and are improved with part one-story, part two-story and part three-story style frame or brick dwellings that were built between 1995 and 2006 and range in size from 5,256 to 7,888 square feet of living area. Features of the comparables include central air-conditioning, five fireplaces, three-car or four-car garages and full or partial, partially finished basements, one of which is a walk-out. The comparables are located within 1.5 miles from the subject and sold from January to November 2008 for prices ranging from \$2,900,000 to \$3,600,000 or from \$456.39 to \$589.01 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as location, site size, age, room count, size, garage area, amenities and upgrades. After making these adjustments, the comparables had adjusted sales prices ranging from \$3,271,000 to \$3,402,000 or from \$425.08 to \$622.34 per square foot of living area, including land. The appraiser testified that the subject's size was determined using actual measurements. She further testified that the detached pool house was not included in calculating the subject size because it was considered an ancillary feature. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$3,350,000.

In her final reconciliation, the appraiser placed most weight on the sales comparison approach because "it is most indicative of the final value estimate because it reflects market actions between buyers and sellers and supports the principle of substitution."

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$1,180,640 was disclosed. The subject has an estimated market value of \$3,549,729 or \$496.88 per square foot of living area, including land, as reflected by its assessment and DuPage County's 2009 average three-year median level of assessments of 33.26%.

In support of the subject's estimated market value, the board of review submitted property record cards and a grid analysis of five comparable sales.² Three of the comparables consist of frame or brick dwellings that were built between 1997 and 2007 and range in size from 6,385 to 7,288 square feet of living area. Features of the comparables include central air-conditioning, from four to seven fireplaces, garages ranging from 782 to 851 square feet of building area and partial or full

² Comparables #4 and #5 were vacant land sales.

basements, each of which has some finished area. The three improved comparables sold from December 2007 to October 2008 for prices ranging from \$3,500,000 to \$5,200,000 or from \$480 to \$814 per square foot of living area, including land. The vacant parcels sold in May 2007 and October 2008 respectively for \$1,435,000 and \$1,450,000. Joni Gaddis, Chief Deputy Assessor for Downers Grove testified that the subject's detached pool house contained a bathroom and kitchen which includes 312 square feet of apartment living area. Gaddis also testified that the appellant's comparable number four featured a four stop elevator and tennis court. Based on this evidence the board of review requested the subject's total assessment be confirmed.

In rebuttal, appellant's counsel question Gaddis regarding the vacant land sales and lack of adjustments to her comparables sales.

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 Board further finds a reduction in the subject property's assessment is warranted. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

The Board initially finds the best evidence of the subject's size is found in the testimony and appraisal as submitted by the appellant's appraiser, Susan Schmit. Therefore, for purposes of this appeal the subject is considered to have 7,144 square feet of living area.

The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$3,350,000 as of January 1, 2009, which is the subject's assessment date. The board of review submitted three improved comparable sales that sold for prices ranging from \$480 to \$814 per square foot of living area, including land. The Board finds the appraiser used a logical and proper adjustment process to account for differences of the four comparables in the appraisal when compared to the subject. The board of review employed no such adjustment process in regards to its comparables. The Board finds the best evidence of the subject's market value is found in the version of the subject's appraisal with an effective date of January 1, 2009 as submitted by the appellant. Therefore, the Board finds the subject's market value as of the subject's assessment date of January 1, 2009 is \$3,350,000.

In conclusion, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted. Since fair market value has been

Docket No: 09-04064.001-R-2 through 09-04064.002-R-2

established, the 2009 three-year weighted average median level of assessments for DuPage County of 33.26% shall apply.

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.



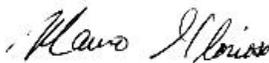
Chairman



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: April 19, 2013



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.