



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

APPELLANT: Mohan Deshmukh
DOCKET NO.: 09-04115.001-R-1
PARCEL NO.: 01-14-113-014

The parties of record before the Property Tax Appeal Board are Mohan Deshmukh, the appellant, by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; and the DuPage County Board of Review.

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: \$43,730
IMPR: \$148,530
TOTAL: \$192,260

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 11,200 square foot parcel improved with a 3,437 square foot single family dwelling of brick and frame exterior construction.¹ The subject is a two-story residence constructed in 2006. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a two-car garage.

The appellant, through counsel, appeared before 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 appraiser used the cost and sales comparison approaches in estimating a value for the subject of \$554,000.

In the cost approach, the appraiser determined a land value of \$225,000. The appraiser consulted the Building-Cost Valuation

¹ At hearing appellant's counsel stipulated to the size of the subject containing 3,437 square feet of living area.

System in estimating a replacement cost new of the improvements of \$409,985. Depreciation of \$14,472 was subtracted from this figure, leaving a depreciated value of the improvements of \$395,513, to which site improvements of \$5,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$625,513.

In the sales comparison approach, the appraiser examined four comparable properties. The comparables are situated on lots ranging in size from 11,200 to 16,451 square feet of land area and are located within 0.90 miles of the subject. The comparables consist of two-story style brick and frame dwellings that ranged in age from 2 to 18 years old and ranged in size from 3,043 to 3,725 square feet of living area. Features of the comparables include central air-conditioning, a fireplace, a two or three-car garage and full basements, with two having finished basements. The comparables sold from April to September of 2008 for prices ranging from \$495,000 to \$600,000 or from \$151.75 to \$175.00 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as financing concessions, number of baths, size, finished basement and garage size. After making these adjustments, the comparables had adjusted sales prices ranging from \$506,960 to \$586,000. The appraiser concluded a value for the subject by the sales comparison approach of \$554,000. Based on this evidence, the appellant requested a reduction in the subject's assessment.

During cross examination the board of review questioned counsel on the number of bath rooms listed for the comparables in the appraisal; the purpose of the appraisal; and the subject's size. The appraiser was not present to provide direct testimony or subject to cross examination regarding his final estimate of value or methodologies used.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$192,260 was disclosed. The subject has an estimated market value of \$578,052 or \$168.19 per square foot of living area, including land, as reflected by its assessment and DuPage County's 2009 three-year average median level of assessments of 33.26%.

In support of the subject's estimated market value, the board of review submitted an addendum, a letter from the Wayne Township Assessor's office and a grid analysis of the appellant's comparables and six additional sale comparables.² The six comparables consist of brick and frame dwellings that were built between 2006 and 2008 and range in size from 3,150 to 3,638 square feet of living area. The comparables are situated on parcels ranging in size from 11,251 to 17,473 square feet of land area and are located in the same neighborhood code as the subject, as determined by the local assessor. Features of these

² The board of review's comparable #1 was also used by the appraiser as comparable #1.

comparables include central air-conditioning, a fireplace, a 2 or 3-car garage and full basements. The comparables sold between September 2006 and May 2008 for prices ranging from \$592,000 to \$661,410 or from \$164.93 to \$206.30 per square foot of living area, including land.

After hearing the testimony 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 not warranted.

When market value is the basis of the appeal, the value must be proved 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); 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 not met this burden.

The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$554,000 as of January 1, 2009. The appraiser was not present at the hearing to provide direct testimony or subject to cross examination regarding his methodology or final value conclusion, therefore, the Board will only consider the raw sales data contained within the appraisal report. The board of review submitted six comparable sales that sold for prices ranging from \$164.93 to \$206.30 per square foot of living area including land. The Board gave little weight to the board of review's comparables #2 through #6 because the dates of sale were too remote from the assessment date in question (January 1, 2009) to estimate the subject's market value.

The appellant's raw sales data depicts four comparable sales that sold for prices ranging from \$164.93 to \$193.82 per square foot of living area, including land. The Board gave less weight to the appellant's comparables #3 and #4 because these two properties were much smaller than the subject. Both the board of review and the appellant used the same property for comparable #1. This comparable along with the appellant's comparable #2 sold in May and November of 2008 for \$595,000 and \$600,000, respectively or for \$164.93 and \$177.40 per square foot of living area, including land. The Board finds these two comparables represent the most similar comparables contained in this record with sale dates close to the assessment date in question. The subject has an estimated market value of \$578,052 or \$168.19 per square foot of living area, including land, as reflected by its assessment. The subject's estimated market value on a square foot basis is within the range established by these comparables and has an estimated market value which is less than the sale prices of these two comparables. After considering the adjustments and differences when compared to subject, the Board finds the subject's estimated market value as reflected by its assessment is supported.

In conclusion, the Board finds the appellant has not 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 correct and a reduction is not 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: November 30, 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.