



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

APPELLANT: Michael Willemin & Daryl Hardy
DOCKET NO.: 09-04199.001-R-1
PARCEL NO.: 06-01-316-019

The parties of record before the Property Tax Appeal Board are Michael Willemin & Daryl Hardy, the appellants; 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: \$75,740
IMPR: \$157,400
TOTAL: \$233,140**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a 2-story brick dwelling. The home was built in 1938 and contains 2,720 square feet of living area¹. Features of the dwelling include a partial unfinished basement, central air conditioning, 2 fireplaces and a 2-car garage. The subject is located in Elmhurst, York Township, DuPage County.

The appellants contend overvaluation based on comparable sales and an appraisal report. The appellants submitted an appraisal report in which a market value of \$640,000 or \$235.29 per square foot of living area including land was estimated for the subject property as of August 31, 2009, eight months after the subject's assessment date of January 1, 2009. The appraiser developed the sales comparison approach in estimating the fair market value of the subject property.

The appraiser considered four comparable properties located a distance of .06 of a mile to 1.15 miles from the subject. The comparables are 2-story dwellings of brick construction. They

¹ The appraiser claims the subject dwelling contains 2,720 square feet of living area and submitted a detailed schematic diagram with dimensions to support the claim. The board of review claims the subject dwelling contains 2,650 square feet of living area but submitted no evidence to support the claim other than the grid analysis.

range in size from 2,400 to 2,768 square feet of living area and range in age from 69 to 98 years old. The comparables feature partial basements with finished area, central air conditioning, 1 or 2 fireplaces and 2-car garages. Comparables #1, #2 and #3 sold between March and August 2009 for prices ranging from \$632,500 to \$674,000 or from \$243.50 to \$263.54 per square foot of living area including land. Comparable #4 was listed for \$799,900 or \$296.15 per square foot of living area including land.

The appraiser adjusted the comparables for being an active listing, gross living area, basement finish, porch/patio/deck, modernization and fireplaces. The final adjusted sale prices ranged from \$632,800 to \$688,100 or from \$234.25 to \$264.92 per square foot of living area including land. Based on these adjusted comparables, the appraiser estimated the subject's fair market value to be \$640,000 or \$235.29 per square foot of living area including land as of August 31, 2009.

The appellants also submitted a grid analysis of six additional sales. These six comparables are described as 2 or 2½-story masonry or frame and masonry dwellings built between 1911 and 1995. They range in size from 2,110 to 3,671 square feet of living area. Features include full or partial basements, one with finished area, 1 or 2 fireplaces and garages which range in size from 210 to 546 square feet. Five of the comparables feature central air conditioning. These comparables sold from May 2007 to September 2008 for prices ranging from \$535,000 to \$750,000 or from \$183.72 to \$355.45 per square foot of living area including land.

Based on this evidence, the appellants requested that the subject's assessment be reduced to \$213,333 which would reflect a market value of approximately \$640,000 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 \$233,140 was disclosed. The subject's assessment reflects an estimated market value of \$700,962 or \$257.71 per square foot of living area, land included, using the dwelling size of 2,720 square feet of living area and 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 for six comparable properties. Three of the comparables were also used by the appellants. The board of review's comparables are 2-story masonry or frame and masonry dwellings built between 1914 and 1951. These comparables range in size from 2,110 to 3,100 square feet of living area. The comparables feature full or partial basements. Five have 1 or 2-car garages. The comparables sold from February 2007 to September 2008 for prices ranging from \$535,000 to \$815,000 or from \$183.72 to \$355.45 per square foot of living area including

land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants argued that dividing total selling price by square feet of living area disregards the value of the land. The appellants also claim the board of review erroneously used total assessed value rather than building assessed value in their calculations.

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 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 not warranted.

Initially, the Board finds the correct size of the subject is 2,720 square feet of living area based on the best information in the record as submitted by the appellants' appraiser.

Both parties submitted twelve sales for consideration by the Board. Appellants' comparables #4, #5 and #6 and the board of review's comparables #4, #5 and #6 were dated. Appellants' comparable #1 was significantly larger and newer than the subject. Therefore these comparables received less weight in the Board's analysis. The Board finds appellants' comparables #2 and #3 and the board of review's comparables #1, #2 and #3 were most similar to the subject in age, size, style, exterior construction and features and had sold proximate to the subject's assessment date of January 1, 2009. These comparables sold between May and September 2008 for prices ranging from \$545,000 to \$815,000 or from \$193.06 to \$263.96 per square foot of living area including land.

The Board further finds the appellants submitted an appraisal of the subject property with a final value conclusion of \$640,000 or \$235.29 per square foot of living area including land as of August 31, 2009. The appraiser used comparables similar to the subject and made reasonable adjustments for differences with the subject. This value conclusion is supported by the comparables submitted by both parties.

Therefore, the Board finds the appraisal report is the best evidence of value in the record, and the subject had a value of

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\$640,000 as of its assessment date of January 1, 2009. Since market value has been determined, the 2009 DuPage county three-year median level of assessments 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.

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: July 20, 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.