



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

APPELLANT: Keith Stewart  
DOCKET NO.: 09-04207.001-R-1  
PARCEL NO.: 05-27-410-050

The parties of record before the Property Tax Appeal Board are Keith Stewart, the appellant, 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:       \$31,060  
IMPR.:       \$76,940  
TOTAL:       \$108,000**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story single family dwelling with a brick, aluminum and vinyl exterior with 2,141 square feet of living area. The subject has a crawl space foundation, central air conditioning, one fireplace and a two-car attached garage with 420 square feet. The dwelling was constructed in 1970. The subject has a 11,475 square foot site and is located in the Briarcliffe neighborhood, Wheaton, DuPage County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant provided information on six comparable sales improved with two-story single family dwellings each with 2,141 square feet of living area. The appellant explained each of these comparables was improved with the same model home as the subject, constructed by the same builder as the subject and located in the same neighborhood as the subject. Each comparable has a fireplace, central air conditioning and a two-car attached garage with 420 square feet of building area. Comparables 1 through 4 have basements with two being finished. Comparables #5 and #6 have crawl space foundations. The dwellings were constructed from 1970 to 1972. The comparables had parcels that ranged in size from 10,032 to 18,122 square feet

of land area. The sales occurred from May 2006 to November 2008 for prices ranging from \$315,000 to \$373,000 or from \$147.13 to \$174.22 per square foot of living area, including land. The appellant noted that only two of the comparables did not have basements and these sales occurred in May 2006 and January 2007. Sales #1 through #4 occurred in 2008, each had a basement, three had smaller lots than the subject and one had a larger site than the subject. The appellant further asserted the most recent sale occurred in November 2008 for a price of \$315,000. Based on this evidence the appellant was of the opinion the subject's assessment should be reduced to reflect a market value of \$320,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$118,550 was disclosed. The board of review indicated the subject's assessment reflects a market value of \$355,650 or \$166.11 per square foot of living area, including land.

In support of the assessment the board of review submitted information on six comparables sales. Board of review comparables A, B and E were the same comparables as appellant's comparables 2, 3 and 6, respectively. The three additional comparables were composed of two-story dwellings with 2,029 and 2,396 square feet of living area. Each of these properties had central air conditioning, a fireplace and a 399 or 420 square foot attached garage. One comparable had a partial basement that was partially finished and two comparables had no basements. These comparables had sites that ranged in size from 10,032 to 13,692 square feet and each was located in the subject's neighborhood. These additional sales occurred from April 2007 to June 2007 for prices ranging from \$338,000 to \$445,000 or from \$166.58 to \$185.73 per square foot of living area, including land.

In rebuttal the board of review asserted appellant's comparable #1 was a low sale. The board of review also excluded appellant's comparable #4 because it transferred with an Executor's Deed.

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

The appellant responded stating board of review comparables C and D are different models than the subject and located in a separate nearby subdivision. The appellant also asserted board of review comparable F was the same model as the subject but had a first floor addition and a full finished basement with a bathroom. The appellant also submitted copies of the multiple listing sheets for his comparables disclosing comparable #1 was listing on the market for 82 days and #4 was listed on the open market for 44 days prior to selling.

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 the appeal. The Board further

finds the evidence in the record supports 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 of the property 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 (3<sup>rd</sup> Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

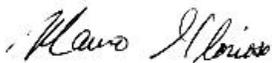
The parties submitted information on nine comparables to support their respective positions. The Board finds the best comparables in the record include appellant's comparables 1 through 4. These comparables were similar to the subject in location, age, style, size and features with the exception that each has a basement. These four comparables sold most proximate in time to the assessment date at issue occurring from March 2008 to November 2008 for prices ranging from \$315,000 to \$373,000. The comparable that sold in November 2008, the date closest to the assessment date at issue, had the lowest price of these four properties in the amount of \$315,000. As noted, each of these properties was superior to the subject with each having a basement with two being finished while the subject has a crawl space foundation. Based on this record the Board finds a reduction in the subject assessment to reflect a market value at the low end of the range established by these most relevant comparable sales is justified.

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.

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Chairman



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Member



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Member



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Member



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Acting 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 18, 2011



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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.