



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

APPELLANT: Kelly Duerr
DOCKET NO.: 09-04222.001-R-1
PARCEL NO.: 04-36-308-025

The parties of record before the Property Tax Appeal Board are Kelly Duerr, 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: \$19,000
IMPR.: \$127,340
TOTAL: \$146,340

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of frame and brick construction that contains 2,710 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a two-car attached garage with 440 square feet. The subject property has a 7,288 square foot site and is located in Warrenville, Winfield Township, 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 submitted information on four comparable sales and a copy of an appraisal. The four comparable sales were improved with two-story single family dwellings of frame or frame and brick exterior construction that ranged in size from 2,055 to 2,477 square feet of living area. The comparable dwellings were constructed from 1993 to 2006 and were located in Warrenville from .36 to 2.86 miles from the subject property. Each comparable had an unfinished basement, central air conditioning and each had an attached garage. Three comparables had one fireplace. The appellant indicated the comparables had sites ranging in size from 7,284 to 16,974 square feet of land area. The sales occurred from July 2006 to November

2008 for prices ranging from \$330,000 to \$405,000 or from \$148.97 to \$161.92 per square foot of living area, including land. Of these sales the appellant was of the opinion comparable #2 most resembled her home but had a larger land area.

The appellant also submitted an appraisal prepared by real estate appraiser Dennis J. Lang estimating the subject property had a market value of \$380,000 as of February 6, 2009. The appraiser was not present at the hearing. The report indicated it was prepared for refinancing and the client was Banc Group Mortgage Corp. In estimating the market value of the subject property the appraiser developed the cost approach and the sales comparison approach to value. Under the cost approach to value the appraiser estimated the subject property had a market value of \$423,829.

Under the sales comparison approach the appraiser used four comparable sales and one listing. Comparable sale #2 was the same as appellant's comparable sale #4. The comparables were improved with two-story dwellings that ranged in size from 1,923 to 2,835 square feet of living area. The dwellings ranged in age from 6 to 31 years old. Each comparable had a full basement with one having a recreation room. Each comparable has central air conditioning, one or two fireplaces and a two or three-car garage. The comparables were located from .14 to 1.72 miles from the subject property. The sales occurred from August 2008 to December 2008 for prices ranging from \$320,000 to \$499,900 or from \$122.98 to \$182.01 per square foot of living area, including land. The listing had a price of \$391,000 or \$168.53 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser was of the opinion these properties had adjusted sales prices ranging from \$333,745 to \$451,725. Based on this analysis the appraiser estimated the subject property had an indicated market value of \$380,000 under the sales comparison approach.

The appraiser gave most emphasis to the sales comparison approach and estimated the subject property had a market value of \$380,000 as of February 6, 2009.

During the hearing the appellant also asserted the land assessments were inconsistent in light of the fact her comparables #3 and #4 had lower land assessments even though each had similar or more land area.

Based on this evidence the appellant requested the subject's assessment be reduced to \$130,000 to reflect a market value of approximately \$390,000.

At the hearing the appellant testified she purchased the subject property in August 2004 for a price of \$439,900. The appellant was also of the opinion the values of homes were trending down.

The board of review submitted its "Board of Review Notes on Appeal" wherein the assessment of the subject totaling \$157,980

was disclosed. The board of review indicated the subject's assessment reflects a market value of \$473,940 or \$174.89 per square foot of living area, including land.

In support of the assessment the board of review submitted an Addendum to Board of Review Notes on Appeal and Exhibit #1 which listed the appellant's comparables and the comparables selected by the assessor's office. The board of review called as its witness Ronald Diomar, Deputy Assessor of Winfield Township.

The deputy assessor provided a list of six comparables, which included appellant's comparable #3, and photographs of the comparables. He testified these comparables were located within three blocks of the subject property. The information provided by the assessor's office included three located along the same street as the subject property. The comparables were improved with two-story dwellings that were newer than the subject being constructed from 2006 to 2008. The dwellings ranged in size from 1,870 to 2,848 square feet of living area. The sales occurred from January 2007 to October 2009 for prices ranging from \$375,000 to \$520,000 or from \$160.64 to \$233.51 per square foot of living area, including land. The deputy assessor was of the opinion the subject's assessment reflects a market value within this range. The witness was also of the opinion the subject dwelling was being equitably assessed.

At the hearing the deputy assessor provided maps noting the location of the comparables submitted by the parties. The maps were included in board of review exhibit A. The witness also testified land is assessed on a front foot basis and adjusted by a depth factor.

In rebuttal the appellant asserted the comparables used by the assessor's office were new at the time of sale.

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 overvaluation as the basis of the appeal. 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 (3rd 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 evidence in the record supports a reduction in the subject's assessment.

The Board finds the evidence disclosed the subject had a total assessment of \$157,980 reflecting a market value of \$473,940 or \$174.89 per square foot of living area, including land. Of the sales in the record the Board finds the most representative

properties to be appellant's comparable sale #3 which is also assessor's comparable #6; appellant's comparable sale #4 which is also appraisal comparable sale #2; assessor comparable sale #1 and appraisal comparable #5, which was the listing. These comparables sold or were listed proximate in time to the assessment date at issue and were also similar to the subject in size and location. The comparables sold or had a listing price ranging from \$369,000 to \$457,500 or from \$148.97 to \$168.53 per square foot of living area, including land. The subject's assessment reflects a market value above this range. After reviewing the record and considering these sales, the Property Tax Appeal Board finds a reduction in the subject's assessment 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.

Ronald 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: March 23, 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.