



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

APPELLANT: James Clausing
DOCKET NO.: 09-04455.001-R-1
PARCEL NO.: 08-35-306-003

The parties of record before the Property Tax Appeal Board are James Clausing, the appellant, by attorney Larry C. Jurgens of Sanchez, Daniels & Hoffman, Chicago, Illinois; 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: \$96,090
IMPR: \$105,580
TOTAL: \$201,670

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 3,576 square feet of living area. The dwelling was constructed in 2003 and was approximately six years old. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a three-car attached garage. The subject property has a 12,937 square foot site and is located in Woodridge, Lisle Township, DuPage County.

The appellant contends over valuation with respect to the assessment for the 2009 tax year as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject had a market value of \$605,000 as of January 1, 2009. The appraisal was prepared by William R. Hall, a certified general real estate appraiser. The purpose of the appraisal was to estimate the market value of the subject property. The property rights appraised were the fee simple interest and the intended use of the report was for an ad valorem tax appeal. In estimating the market value of the subject property the appraiser developed the cost approach to value and the sales comparison approach to value.

Under the cost approach the appraiser estimated the land value to be \$150,000. The replacement cost new of the building improvements was estimated using current costs of contractors and verified by Marshall & Swift cost data. The estimated cost new was estimated to be \$481,504. The appraiser estimated the subject suffered from \$19,260 in physical depreciation based on the subject's effective age of 3 years and a remaining economic life of 72 years. Deducting depreciation resulted in a depreciated cost of the improvements of \$462,244. Adding the value of the site improvements of \$5,000 and the site value resulted in an estimated value under the cost approach of \$617,244.

The appraiser developed the sales comparison approach using three comparable sales improved with two-story single family dwellings of brick and cedar construction that ranged in size from 3,147 to 4,456 square feet of living area. Each dwelling was described as being one-year old. The comparables were located in Woodridge from 2.57 to 3.08 miles from the subject property. Each comparable had a full unfinished basement, central air conditioning, one or two fireplaces and a three-car attached garage.¹ These properties had sites ranging in size from 11,457 to 15,187 square feet of land area. The comparables sold from July 2008 to December 2008 for prices ranging from \$581,712 to \$720,990 or from \$148.10 to \$189.98 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser determined these properties had adjusted prices ranging from \$589,922 to \$631,565. Based on this analysis the appraiser estimated the subject had an indicated market value under the sales comparison approach of \$605,000.

In reconciling the two approaches to value the appraiser gave most emphasis to the sales comparison approach and estimated the subject property had a market value of \$605,000 as of January 1, 2009. Based on this evidence the appellant requested the subject's assessment be reduced to \$201,666 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling \$264,440 was disclosed. The subject's assessment reflects a market value of \$795,069 or \$222.33 per square foot of living area, including land, when applying the 2009 three year average median level of assessments for DuPage County of 33.26%.

In support of the assessment the board of review submitted an Addendum to Board of Review Notes on Appeal and an assessment data sheet which listed the appellant's appraiser's comparable sales and comparables identified by the township assessor, which was marked as Exhibit #1.

¹ The number of fireplaces for the comparables was based on the board of review submission.

The seven comparables selected by the township assessor were improved with two-story dwellings that ranged in size from 3,643 to 3,987 square feet of living area. The dwellings were constructed from 1979 to 2007 and were located in Naperville, Downers Grove and Woodridge. Each comparable had a basement with one being partially finished. Each property had central air conditioning, 1 to 3 fireplaces and an attached garage that ranged in size from 616 to 878 square feet of building area. These comparables had improvement assessments ranging from \$142,230 to \$227,620 or from \$39.04 to \$60.94 per square foot of living area. The analysis indicate the subject had an improvement assessment of \$168,350 or \$47.00 per square foot of living area based on the subject dwelling having 3,582 square feet of living area. The board of review contends this data indicates the subject was equitably assessed.

The analysis also disclosed board of review comparables #1 through #4 sold from April 2005 to June 2007 for prices ranging from \$795,675 to \$925,000 or from \$205.18 to \$247.66 per square foot of living area, including land. The board of review asserted that the evidence disclosed the subject's assessed market value is a reasonable one.

Based on this evidence the board of review requested the subject's assessment be confirmed.

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 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 (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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in this record is the appraisal of the subject property submitted by the appellant estimating the property had a market value of \$605,000 as of January 1, 2009. The appraiser developed both the cost and sales comparison approaches to value and placed most emphasis on the sales comparison approach. The appraised value of \$605,000 is less than the market value reflected by the subject's assessment of \$795,069.

The board of review submitted information on seven comparables of which four of the properties sold. The four sales presented by

the board of review sold from in April 2005 to June 2007. The Board finds these sales were not as proximate in time to the assessment date at issue as were the sales in the appellant's appraisal.² The sales contained in the appraisal sold within six months of the assessment date at issue while the sales presented by the board of review occurred from approximately 18 months to 44 months prior to the January 1, 2009 assessment date. Therefore, the Board gave the board of review sales little weight.

The Property Tax Appeal Board also finds the equity analysis presented by the board of review did not address the appellant's market value argument; therefore, this evidence was not given any weight.

In conclusion the Property Tax Appeal Board finds a reduction in the subject's assessment commensurate with the appellant's appraised value is appropriate.

² The assessor indicated in the analysis that appraisal sale #1 sold for \$625,000 in June 2008 and not \$720,990 in July 2008 as reported in the appraisal.

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: August 28, 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.