



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

APPELLANT: Terry McCaffrey  
DOCKET NO.: 09-04689.001-R-2  
PARCEL NO.: 05-30-206-017

The parties of record before the Property Tax Appeal Board are Terry McCaffrey, the appellant, by attorney Mitchell L. Klein of Schiller Klein PC, Chicago, Illinois; 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:       \$33,260  
IMPR.:       \$479,400  
TOTAL:       \$512,660**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single family dwelling of brick and frame construction. The dwelling was constructed in 2006. Features of the home include a full basement with a recreation room and gym, central air conditioning, two fireplaces, five bedrooms, five and one-half bathrooms and a three-car integral garage. The subject property has a 24,990 square foot site and is located in Wheaton, Milton Township, DuPage County.

Appearing before the Property Tax Appeal Board on behalf of the appellant was Wendy McCaffrey and the appellant's counsel arguing overvaluation as the basis of the appeal. In support of the market value argument the appellant submitted an appraisal prepared by Jack Heeren of Metropolitan Appraisal Group. Heeren is a State of Illinois Certified Residential Real Estate Appraiser.

Heeren was called as the appellant's witness and testified it was his opinion the subject property had a market value of \$980,000 as of January 1, 2009. Heeren testified using the Uniform Standards of Professional Appraisal Practice (USPAP) guidelines,

he went back twelve months from January 1, 2009 to identify comparable sales within the municipality of Wheaton and located within approximately 3 miles of the subject property. The appraiser testified he looked at homes that had at least four bedrooms and at least four bathrooms. The appraiser described the subject dwelling as being of "traditional" design with 5,150 square feet of living area. He selected three comparable sales that were described as being of "traditional" design and ranged in size from 4,198 to 4,531 square feet of living area. The dwellings ranged in age from 19 to 43 years old. Each of the comparables was described as having a full basement that was partially finished, central air conditioning, 1 to 3 fireplaces, five bedrooms, 3.5 to 5.5 bathrooms and a 2 or 3-car garage. The comparables had sites that ranged in size from 17,820 to 78,408 square feet of land area. The sales occurred from February 2008 to June 2008 for prices ranging of \$930,000 to \$1,100,000 or from \$205.25 to \$262.03 per square foot of living area including land. The appraiser made adjustments to account for differences from the subject and concluded the comparables had adjusted prices ranging from \$915,180 to \$982,331. Using these sales the appraiser estimated the subject property had an indicated value under the sales comparison approach of \$980,000.

The appraiser also developed an estimate of value using the cost approach. The appraiser estimated the subject site had a land value of \$213,900 based upon a residual gift to the Wheaton Fire Department of a home. The appraiser utilized the replacement cost new using manuals and in-house data relating to new home construction estimating a cost new of \$963,499. Using the age life method the appraiser estimated the subject property suffered from \$96,350 in depreciation resulting in a depreciated cost of the improvements of \$867,149. The "as-is" value of the site improvements was estimated to be \$5,000. Adding the components the appraiser estimated the subject property had an indicated value under the cost approach of \$1,086,000.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to arrive at an estimated market value of \$980,000 as of January 1, 2009.

Under cross-examination the appraiser agreed that he made no adjustment to the comparables for age. He testified that people in the market related to this appraisal are paying for square footage and as long as the square footage is of comparable quality, they deduct very little for minor changes in age. He also asserted that comparable sales #2 and #3 were updated within the past ten years. However, he did not state within his report that they were remodeled. The appraiser could not recall the dollar per square foot adjustment he made for the site area. He testified the improvement size adjustment was approximately \$36.00 per square foot developed using a paired sales analysis. He also stated the Property Tax Appeal Board should not give any consideration to the cost approach due to the fact the dwelling was constructed in 2004 and occupied in 2005, during the peak of the market.

Based on this evidence the appellant requested the subject's assessment be reduced to \$326,634 to reflect the appraised value debased by the statutory level of assessments.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$512,660 was disclosed. The subject's total assessment reflects a market value of \$1,541,371 using the 2009 three year average median level of assessments for DuPage County of 33.26%. In support of its contention of the correct assessment the board of review submitted a report prepared by the Milton Township Assessor's office, which was marked as Board of Review Exhibit #1.

The board of review called as its witness Cathy Zinga a Milton Township Deputy Assessor. Zinga testified for the past two years she has been a commercial deputy assessor for the township but prior to that she was a residential deputy assessor. She also has the Certified Illinois Assessing Officer (CIAO) designation. Ms. Zinga was of the opinion the appraiser had not measured the home correctly. She calculated the size of the dwelling to be 5,437 square feet of living area, which was displayed on page 7 of her report. She further described the subject dwelling as having an 800 square foot garage, an open porch with 326 square feet, a sport court with a ceiling height of 22 feet, central air conditioning, 6.5 bathrooms, two fireplaces and a full basement that was 75% finished. She explained that the size difference from the appellant's appraisal was the sport court that had living area above the second half of the court. Zinga also testified that she disagreed with the appraiser's adjustments based on other appraisals that had been submitted to the assessor's office by other homeowners in the neighborhood, which was highlighted on page 12 of the report.

On page 14 of the report Zinga had set out the appraiser's comparables sales. Appraisal comparable sale #1 was described as a one-story dwelling, a different style than the subject dwelling, and each comparable was of frame construction.

In support of the assessment the deputy assessor identified five comparables sales that were improved with two-story dwellings of brick or a combination of exterior construction that ranged in size from 4,687 to 5,536 square feet of living area. The dwellings were constructed from 1978 to 2009. Each comparable had a full or partial basement with three being partially finished, central air conditioning, one or two fireplaces, from 4.5 to 6.25 bathrooms and attached garages that ranged in size from 704 to 1,135 square feet of building area. The comparables had sites ranging in size from 13,052 to 91,464 square feet of land area and were located in Wheaton. The sales occurred from July 2008 to June 2009 for prices ranging from \$1,399,695 to \$2,150,000 or from \$298.63 to \$390.34 per square foot of living area, including land. Using the assessor's adjustments, Zinga indicated the adjusted prices ranged from \$321.88 to \$390.16 per

square foot of living area, including land. The market value reflected by the subject's assessment of \$1,541,371 equates to a unit value of \$283.50 per square foot of living area, including land, when using 5,437 square feet of living area.

With respect to the cost approach, Zinga indicated the subject site was purchased in April 2004 for a price of \$470,000 or \$18.81 per square foot of land area, which is above Heeren's estimated site value of \$213,900. Her report also included seven land sales from Milton Township ranging in size from 19,628 to 24,206 square feet of land area. The parcels sold from October 2007 to July 2009 for prices from \$346,000 to \$445,000 or from \$17.13 to \$19.74 per square foot of land area.

Zinga also included on pages 33 through 42 a cost approach to value and supporting pages from the Marshall Valuation Service to document the cost calculations. The estimated value under the cost approach was \$1,919,418. Zinga also submitted copies of a contractor's statement dated July 21, 2005 associated with building the subject dwelling disclosing a total cost of \$835,594.

Under cross-examination Zinga agreed her comparable sales C and E are located more than three miles from the subject property. The appellant also submitted Exhibit's A, B and E, which were multiple listing sheets for assessor's comparable sales identified by the same letters, to point out description differences. Zinga was also questioned about the land adjustments made to the comparable sales.

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

Under rebuttal Heeren testified that the sports court would not be counted as living area. He further testified he measured the subject dwelling from the exterior using a tape measure to arrive at an estimated size of 5,150 square feet. He conceded that in doing the measurements himself might have yielded some errors. He further indicated that he did not review blueprints for the subject dwelling.

In surrebuttal Ms. Zinga testified that she reviewed blueprints and explained other deputy assessors in the office did a field measurement of the house. She explained that the blueprints were reviewed to make sure the field measure was correct.

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 does not support 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, the Board finds the appellant submitted an appraisal wherein the appraiser calculated the subject dwelling as having 5,150 square feet of above grade living area. The board of review presented evidence and testimony from the deputy assessor that the subject dwelling had 5,437 square feet of above grade living area. The Board finds the most credible estimate of size was presented by the board of review. The deputy assessor explained the dwelling's size was estimated using blueprints that were compared with field measurements. The appraiser conceded that in doing the measurements himself he might have had some errors and he did not review blueprints of the subject dwelling. Based on this record the Board finds the subject dwelling had 5,437 square feet of living area.

The Board finds that due to the fact the appellant's appraiser underestimated the size of the subject dwelling, the resulting estimate of value is incorrect. Furthermore, the appraiser stated primary emphasis should be given to the sales comparison approach developed in his report. The Board finds the sales used by the appraiser were not similar to the subject property which further undermines the credibility of the report. First, the record indicated that appraisal comparable sale #1 was a one-story dwelling, dissimilar to the subject dwelling in style. Second, the comparable dwellings were dissimilar to the subject in age ranging from 19 to 43 years old as compared to the subject dwelling being approximately 4 years old. Finally, the sales were from 906 to 1,239 square feet smaller than the subject dwelling. Due to these differences the Board gives these sales, and ultimately the appraiser's conclusion of value, little weight.

With respect to the cost approach to value developed by the two witnesses, Zinga's was better supported by land sales and data from the Marshall Valuation Service to buttress her cost calculations. Nevertheless, the Board gives the conclusion of value under the cost approach less weight.

The board of review presented information on five sales, which the Board finds are the most probative evidence of market value in this record. The Board finds comparables A, C, D, E and F were most similar to the subject in size and age. These comparables were also relatively similar to the subject style and features. The most similar dwellings were constructed from 2004 to 2009 and ranged in size from 4,687 to 5,536 square feet of living area. The sales occurred from July 2008 to June 2009 for prices ranging from \$1,399,695 to \$2,150,000 or from \$298.63 to

\$390.34 per square foot of living area, including land, unadjusted. The subject's assessment reflects a market value of \$1,541,371, which equates to a unit value of \$283.50 per square foot of living area, including land, when using 5,437 square feet of living area and the 2009 three year average median level of assessments for DuPage County of 33.26%. The subject's assessment reflects a market value below the range established by the best comparable sales in this record on a square foot basis.

Based on this record the Board finds the assessment of the subject property as established by the board of review is correct and a reduction in the assessment is not 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Marko M. Louie*

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: October 19, 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.