



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

APPELLANT: Adam Linn
DOCKET NO.: 09-04895.001-R-1
PARCEL NO.: 09-12-411-009

The parties of record before the Property Tax Appeal Board are Adam Linn, the appellant, by attorney Curtis L. Durik, of Sarnoff & Baccash in Chicago; 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: \$155,390
IMPR: \$344,610
TOTAL: \$500,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains 14,488 square feet of land area improved with a 58-year-old, 2-story dwelling. The dwelling is frame construction and contains 4,122 square feet of living area¹. Features of the home include a full basement with finished area, central air conditioning, 3 fireplaces and a 2-car garage. The dwelling is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant's appeal is based on overvaluation. The appellant submitted an appraisal report prepared by Roger Potokar in which a market value of \$1,400,000 or \$339.64 per square foot of living area including land was estimated for the subject property as of October 16, 2009, ten months after the subject's assessment date of January 1, 2009. The appraiser developed the sales comparison approach and the cost approach in estimating the fair market value of the subject property.

In the sales comparison approach, the appraiser considered four comparable properties ranging in size from 15,180 to 33,264

¹ The appraiser contends the dwelling contains 4,137 square feet of living area and submitted a rough schematic with dimensions to support the claim. The board of review contends the subject contains 4,122 square feet of living area and submitted a property record card with a detailed schematic to support the claim.

square feet of land area and located a distance of 0.5 to 0.7 of a mile from the subject. The comparables are 2-story dwellings of frame and/or masonry or stucco construction. They range in size from 2,998 to 4,702 square feet of living area and range in age from 70 to 127 years old². The comparables feature full basements, three with finished area, central air conditioning, 1 or 3 fireplaces and 2 or 3-car garages. One of the comparables features an in-ground pool. Three of the comparables sold between May and September 2009 for prices ranging from \$1,350,000 to \$1,511,250 or from \$321.41 to \$381.25 per square foot of living area including land. One of the comparables was a listing with an asking price of \$1,325,000 or \$441.96 per square foot of living area including land³.

The appraiser adjusted the comparables for site, quality of construction, room count, gross living area, basement finish, fireplaces, garages and pool. The final adjusted sale prices/listing prices of the comparables range from \$1,239,000 to \$1,436,000 or from \$303.97 to \$466.98 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$1,400,000 or \$339.64 per square foot of living area including land as of October 16, 2009 using the sales comparison approach.

In the cost approach the appraiser estimated the land value to be \$1,000,000 or \$69.02 per square foot of land area and estimated the improvement value to be \$538,300 or \$130.12 per square foot of living area. After deducting for physical depreciation, the appraiser estimated the fair market value of the subject to be \$1,458,300 or \$353.78 per square foot of living area including land based on 4,122 square foot of living area.

The appraiser included no reconciliation statement but chose the sales comparison approach value of \$1,400,000. Based on this evidence, the appellant requested that the subject's assessment be reduced to \$466,620 which would reflect a market value of approximately \$1,400,000 or \$339.64 per square foot of living area 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 \$534,610 was disclosed. The subject's assessment reflects an estimated market value of \$1,607,366 or \$389.95 per square foot of living area, land included, using 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)).

² The appraiser claims the effective age of the subject is 10 years and the effective age of each of the comparables is 20 years.

³ The board of review submitted a grid analysis of the appellant's comparables which indicates comparable #4 sold in December 2009 for \$1,200,000 and comparable #3 resold in December 2009 for \$1,362,500.

The board of review submitted sales data and descriptive information on three comparable properties ranging in size from 15,108 to 17,968 square feet of land area. The comparable dwellings are 2-story brick or frame construction built between 1915 and 1993⁴. These comparables range in size from 3,728 to 4,939 square feet of living area. Features of the dwellings include full or partial basements, one with finished area; 1, 2 or 3 fireplaces and garages that contain between 552 and 912 square feet. Two comparables feature central air conditioning. These comparables sold between October 2007 and August 2008 for prices ranging from \$1,375,000 to \$2,100,000 or from \$368.83 to \$425.19 per square foot of living area including land.

In a cover memo, the board of review takes issue with the appellant's evidence. The board of review contends the appraisal is for a bank loan and is dated ten months after the subject's assessment date. The board of review also states that none of the appraiser's comparables are in the subject code HC and only comparables #3 and #4 are the same grade as the subject. According to the board of review, comparable #2 is in Cook County, not DuPage, and therefore the board of review was unable to verify characteristics of that comparable.

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 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 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 warranted.

Initially the Board finds the correct size of the subject is 4,122 square feet of living area based on the best information in the record.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$1,400,000 or \$339.64 per square foot of living area as of October 16, 2009, ten months after the subject's assessment date.

The Board finds that under the cost approach, the appellant valued the land at \$1,000,000 or \$69.02 per square foot of land area. However, under the sales comparison approach, the appraiser

⁴ The two older comparables have newer additions.

adjusted the comparable land sizes by approximately \$5.00 per square foot of land area. The land size of comparable #3 is over twice the size of the subject which makes this adjustment critical in determining the market value of the subject. The Board finds the land valuation adjustment in the sales comparison approach is highly questionable and not supported by any objective evidence.

The Board finds the appraiser did not adjust comparable #4 for being an active listing, even though the appraiser states in the appraisal report that "the median sale price as % of list price is 93.80%."

Based on this evidence, the Board finds the accuracy of the information and adjustments contained in the appraisal report questionable and the value conclusion not a reliable or a credible indicator of the subject's market value. However, the Board will examine all of the raw sales presented in the record.

The Board finds all parties submitted seven comparable properties for consideration. Comparables #3 and #4 submitted by the appellant are smaller than the subject, and comparables #2 and #3 have land sizes significantly larger than the subject. The board of review's comparable #3 was sold in 2007 which is dated and not a valid indicator of the subject's value as of its January 1, 2009 assessment date. Therefore these comparables received less weight in the Board's analysis.

The Board finds the appellant's comparable #1 and the board of review's comparables #1 and #2 were most similar to the subject in size, lot size, style, age and features and had recently sold. These comparables sold between June 2008 and May 2009 for prices ranging from \$1,375,000 to \$1,625,000 or from \$322.65 to \$389.31 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$1,607,366 or \$389.95 per square foot of living area, land included, which is slightly above the range established by these most similar comparables on a square foot basis.

Based on this record, the Board finds the appellant has proven by a preponderance of the evidence that the subject is overvalued, and a reduction in the subject's assessment is warranted.

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.