



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

APPELLANT: John Melone
DOCKET NO.: 09-04933.001-R-1
PARCEL NO.: 04-04-201-036

The parties of record before the Property Tax Appeal Board are John Melone, the appellant; 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: \$27,480
IMPR.: \$123,140
TOTAL: \$150,620

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 2-story dwelling which was built in 1994. The dwelling is brick and frame construction and contains 2,952 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 3-car garage. The dwelling is located in West Chicago, Winfield Township, DuPage County.

The appellant's appeal is based on overvaluation. The appellant submitted an appraisal report in which a market value of \$395,000 or \$133.81 per square foot of living area including land was estimated for the subject property as of January 1, 2009. The appraiser developed the sales comparison approach in estimating the fair market value of the subject property.

The appraiser considered three comparable properties located a distance of .10 to .52 of a mile from the subject. The comparables are 2-story dwellings of frame or frame and masonry construction. They range in size from 2,424 to 3,188 square feet of living area and are either 4 or 15 years old. The comparables feature full unfinished basements, one being a walk-out, fireplaces, central air conditioning and 2 or 3-car garages. The comparables sold between April 2006 and April 2007 for prices ranging from \$375,000 to \$405,000 or from \$124.22 to \$157.59 per square foot of living area including land.

The appraiser adjusted the comparables for site, quality, room count, gross living area, walkout basement, porch/patio/deck and garage size. The final adjusted sale prices of the comparables range from \$390,700 to \$418,550 or from \$123.46 to \$162.86 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$395,000 or \$133.81 per square foot of living area including land as of January 1, 2009.

Based on this evidence, the appellant requested that the subject's assessment be reduced to \$131,667 which would reflect a market value of approximately \$395,000 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 \$150,620 was disclosed. The subject's assessment reflects an estimated market value of \$452,856 or \$153.41 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)).

In support of the subject's assessed value, the board of review submitted a grid analysis, sales information and property record cards for four comparable properties. The board of review's comparable #1 is the same property as the appellant's comparable #3, and the board of review's comparable #3 is the same property as the appellant's comparable #1. The board of review's comparables are 2-story frame or brick and frame dwellings built between 1994 and 1996. These comparables range in size from 2,424 to 3,168 square feet of living area. The comparables feature full basements, one with finished area, central air conditioning, fireplaces and 3-car garages. These comparables sold from April 2006 to April 2007 for prices ranging from \$375,000 to \$435,000 or from \$137.31 to \$157.59 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 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 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 no reduction in the subject's assessment is warranted.

Initially, the Board finds the comparable sales submitted by both parties were dated, occurring in 2006 and 2007.

The Board further finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$395,000 as of the subject's assessment date of January 1, 2009 using dated sales comparables. The appraiser did not adjust these comparables for their sale dates. Therefore the Board finds the value conclusion in the appraisal report is not a reliable and valid indicator of the subject's estimated market value as of January 1, 2009. However, the Board will examine the raw sales presented in the record.

The board of review submitted four comparables which sold from 2006 to 2007, which are also dated. Comparable #1, which is the same property as the appellant's comparable #3, is similar to the subject in size, style, age and features and is the sale most proximate to the subject's assessment date of January 1, 2009. Therefore this comparable received the most weight in the Board's analysis. This property sold in April 2007 for \$405,000 or \$157.59 per square foot of living area including land. The appraiser adjusted the comparable for quality, gross living area and deck, which resulted in an adjusted sale price of \$418,550 or \$162.86 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$452,856 or \$153.41 per square foot of living area, land included, which is less than this most similar comparable on a per square foot basis.

Based on this record, the Board finds that the appellant has not proven by a preponderance of the evidence that the subject is overvalued, and no 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.



Chairman



Member



Member



Member



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



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.