FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Darlene Rizza
DOCKET NO.: 09-05093.001-R-2
PARCEL NO.: 06-25-409-001

The parties of record before the Property Tax Appeal Board are Darlene Rizza, the appellant, by attorney Patrick J. Smith, of The Law Office of Patrick J. Smith, Downers Grove, Illinois; the DuPage County Board of Review; and the Hinsdale Township High School Dist. #86 intervenor, by attorney Alan M. Mullins[1] of Scariano, Himes and Petrarca, Chicago, Illinois.

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:	$505,530
IMPR.:	$119,700
TOTAL:	$625,230

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of brick exterior construction that contains 3,069 square feet of living area and was built in 1969. Features of the home include central air conditioning, one fireplace, three-car garage and a partial unfinished basement.[2] The subject has an approximate 2.15 acre site. The subject property is located in Oak Brook, York Township, DuPage County.

[1] Intervenor's counsel failed to appear at the scheduled hearing herein. Pursuant to Section 1910.69(b) of the rules of the Property Tax Appeal Board the intervenor is defaulted as a party in this appeal (86 Ill.Adm. Code 1910.69(b)).
[2] The appraisal submitted by the appellant was for land only. The property characteristics for the subject property were obtained from the property record card submitted by the board of review.

The appellant appeared before the Property Tax Appeal Board through counsel, contending overvaluation as the basis of the appeal. In support of this argument, the attorney called as his witness Jeffrey Wakeland. Wakeland is an Associate Real Estate Appraiser licensed in Illinois. Wakeland testified that he obtained his appraisal license in January 2008 but he submitted his renewal license with the appraisal.

Wakeland testified that he prepared an appraisal of the subject property. The purpose of the appraisal was a property tax appeal of the subject property as of December 31, 2008. Wakeland provided direct testimony regarding the appraisal methodology and final value conclusion. Wakeland testified that he was unable to contact the appellant and gain access to the subject property. Wakeland testified he was unable to gather basic information about the property, the general condition or conduct an interior inspection. Wakeland stated that he separated the report based on the assessor's card, valuing the dwelling separate from the land. Wakeland testified he valued the dwelling from the Marshall & Swift Cost Manual to estimate the value of the dwelling based on assumptions of condition, quality of construction and effective age. Wakeland testified that his conclusion supported the township assessor's valuation for the improvement. Wakeland then prepared a land appraisal. The appraiser relied on the sales comparison approach to value for the land and the township assessor's market value for the dwelling and indicated the subject property's land had an estimated fair market value of $1,115,000 as of December 31, 2008.

Under the sales comparison approach to value the land, the appraiser utilized three suggested comparable land sales with varying degrees of similarity when compared to the subject. The comparables are located from .16 miles to 3.75 miles from the subject property. The comparables range in size from 1.01 to 2.53 acres or from 43,965 to 110,076 square feet of land area. The comparables sold from July 2007 to November 2008 for prices ranging from $990,000 to $1,375,000 or from $543,478 to $980,198 per acre or from $12.49 to $22.52 per square foot of land area. The appraiser adjusted the comparables for differences when compared to the subject in size, dwelling and view resulting in adjusted sales prices ranging from $1,105,000 to $1,122,000. Based on the adjusted sale prices, the appraiser estimated the subject property's land had an estimated fair market value of $1,115,000 as of December 31, 2008. Wakeland testified that the estimated fair market value including the improvement is $1,474,100 as of December 31, 2008. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $625,230 was disclosed. The subject's total assessment reflects an estimated market value of $1,879,826 when applying the 2009 three year average median level of assessments for DuPage County of 33.26%.

The subject's land assessment is $505,530 which equates to an estimated market value of $1,519,934 or $706,946 per acre or $16.19 per square foot of land area when applying the 2009 three year average median level of assessments for DuPage County of 33.26%.

The board of review submitted an Addendum to Board of Review Notes on Appeal. The board of review also submitted a memorandum from the York Township Assessor's Office and a grid analysis marked as Exhibit #1. The assessor detailed the appellants' comparables and provided four additional comparables. Also included were copies of the property record cards for all the comparables used by the parties and a map showing the appellant's comparable 2.

The board of review called as its witness Ronald Pajda, Deputy Assessor of York Township. The assessor's office submitted information on four suggested land sales to demonstrate the subject's land assessment was reflective of market value. The comparables are located from 1.0 to 1.75 miles from the subject property. The comparables range in size from .96 to 2.40 acres or from 41,600 to 104,336 square feet of land area. The comparables sold from February 2008 to August 2009 for prices ranging from $1,350,000 to $2,600,000 or from $983,333 to $1,406,250 per acre or from $22.50 to $32.45 per square foot of land area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

During the course of the hearing, the Property Tax Appeal Board requested copies of the PTAX-203, Illinois Real Estate Transfer Declaration for the three vacant land sales used by the appellant and the four vacant land sales used by the township assessor as evidence for overvaluation. After receiving the requested documents a copy was given to the appellant.

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

In support of the overvaluation argument the appellants submitted a land appraisal estimating the subject had a market value of

$1,115,000 as of December 31, 2008. The Board gives the conclusion of value contained in the land appraisal little weight. Two of the three land comparables submitted were not vacant according to the PTAX-203, Illinois Real Estate Transfer Declaration. However, the Board will further examine the raw land sales data contained in this record, including the land sales in the appellant's appraisal.

The Board finds the record contains seven comparable land sales submitted by the parties in support of their respective positions. The Board gave less weight to the appellant's land comparables 1 and 2 based on the fact the sales each included a residence according to the PTAX-203 Real Estate Transfer Declaration. The Board gave less weight to the board of review's comparable 3 based on the land sale not being advertised and sold to the adjacent property owner according to the PTAX-203 Real Estate Transfer Declaration. The Board finds the remaining four land comparables are more similar to the subject in location and size. Due to these similarities the Board gave the four land sales more weight. These most similar properties sold from February 2008 to August 2009 for prices ranging from $990,000 to $2,600,000 or from $706,946 to $1,083,333 per acre or from $22.50 to $24.92 per square foot. The subject's land assessment reflects a market value of $1,519,934 or $706,946 per acre or $16.19 per square foot. The market value reflected by the subject's land assessment is below the range established by the best comparable land sales in the record and demonstrates the subject's land is not overvalued. The appraiser testified that his conclusion supported the township assessor's valuation for the improvement. Based on this record the Board finds the subject's assessment is reflective of market value and a reduction is not 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: November 30, 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.