



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

APPELLANT: Patrick Smith & Joseph Phillips
DOCKET NO.: 09-05159.001-R-1
PARCEL NO.: 09-16-204-010

The parties of record before the Property Tax Appeal Board are Patrick Smith & Joseph Phillips, the appellants; 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: \$37,160
IMPR.: \$47,000
TOTAL: \$84,160

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story single family dwelling with brick exterior construction that contains 1,000 square feet of living area. The dwelling was constructed in 1958. Features of the property include a full basement with finished living area, central air conditioning and a two-car detached garage. The subject has a lot that contains approximately 10,780 square feet of land area. The property is located in Westmont, Downers Grove Township, DuPage County.

The appellants submitted evidence to the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellants submitted an analysis by Michael Zawislak, a state licensed real estate broker.¹

¹ Section 5-5(c) of the Real Estate Appraiser Licensing Act of 2002 provides in part that:

Nothing in this Act shall prohibit a person who holds a valid license under the Real Estate License Act of 2000 from performing a comparative market analysis or broker price opinion for compensation, provided that the person does not hold himself out as being a licensed real estate appraiser. 225 ILCS 458/5-5(c).

Mr. Zawislak prepared the analysis on a Uniform Residential Appraisal Report (Freddie Mac Form 70 & Fannie Mae Form 1004, March 2005) using three comparable sales located in Westmont from .6 to .8 of a mile from the subject. The exhibit also included photographs of the subject and the comparables. The comparables were described as being improved with one-story frame or brick exterior dwellings that ranged in size from 936 to 1,000 square feet of living area. The comparables were built from 1953 to 1960. Two comparables had full basements, one of which is partially finished, while one comparable had a partial finished basement. Each comparable had central air conditioning and garages ranging in size from 288 to 440 square feet of building area. These properties sold from June to September 2008 for prices ranging from \$156,000 to \$250,000 or from \$156.00 to \$255.34 per square foot of living area, including land. Zawislak made adjustments to the comparables to account for differences from the subject in sale or financing concessions, location, condition, room count, basement & finished, rooms below grade and garage/carport. Based on these considerations the broker estimated the comparables had adjusted sales prices ranging from \$206,000 to \$222,500. Zawislak estimated the subject had a market value of \$215,000 as of January 31, 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$84,160 was disclosed. The subject's assessment reflects a market value of \$253,037 or \$253.04 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 a grid analysis of five suggested comparables along with the property record cards of both parties' comparables. The board of review's comparable #3 is the same property as the appellant's comparable #3. The five board of review comparables are located in Westmont and were described as being improved with one-story frame or brick exterior dwellings that ranged in size from 983 to 1,322 square feet of living area. The comparables were built from 1958 to 1973. Three comparables had full basements, one of which is partially finished, while two comparables had partial unfinished basements. Each comparable had central air conditioning and garages ranging in size from 288 to 598 square feet of building area. These properties sold from September 2007 to May 2009 for prices ranging from \$250,000 to \$332,000 or from \$251.13 to \$310.00 per square foot of living area, including land.

After receiving the appellants' evidence, the board of review argued that DuPage County had no sale record for the appellants' comparable #1.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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

In this appeal the appellants submitted an analysis estimating the subject property had a market value of \$215,000 as of January 31, 2009. The appellants' valuation relied on three sales in estimating the market value of the subject property. The board of review provided four comparable sales in support of the subject's assessment. The board of review argued that DuPage County had no sale record for the appellants' comparable #1, which calls into question the arm's length nature of the transaction. The appellants were given the board of review's evidence to rebut; however, the appellants did not refute or offer any evidence that the transfer was indeed arm's length in nature. The Property Tax Appeal Board finds the appellants' comparable #1 to be a questionable sale and therefore affords it little weight. The Board gave less weight to the board of review's comparables #4 and #5 due to their sale dates occurring greater than 15 months prior to the subject's January 1, 2009 assessment date. The Board finds the remaining sales offered by both parties were most similar to the subject in location, exterior construction, size, age and features. These sales occurred from June 2008 to May 2009 for prices ranging from \$239,000 to \$332,000 or from \$251.13 to \$310.00 per square feet of living area including land. The subject's assessment reflects a market value of \$253,037 or \$253.04 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%, which is within the range established by the best comparable sales in the record. Based on this evidence, the Board finds the subject's assessment is reflective of the property's market value 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

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: 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.