



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

APPELLANT: Gerald Danzer
DOCKET NO.: 09-06165.001-R-1
PARCEL NO.: 03-08-302-011

The parties of record before the Property Tax Appeal Board are Gerald Danzer, the appellant, 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: \$74,590
IMPR: \$55,410
TOTAL: \$130,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story single family dwelling of frame construction containing approximately 1,862 square feet of living area. The dwelling was constructed in approximately 1900¹ and features a partial unfinished basement and central air conditioning. The property is located in Itasca, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. This property was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 08-04848.001-R-1. This property, however, is not an owner-occupied residential dwelling.

In support of the overvaluation argument the appellant submitted both a grid analysis of three sales and an appraisal of the subject property estimating a market value of \$300,000 as of

¹ The appraiser reported the dwelling was built in 1894. The board of review did not submit a copy of the subject's property record card as required. (86 Ill.Admin.Code §1910.40(a)).

November 7, 2008.² The appraisal was prepared by Marie C. Ackerman of R. J. Schmitt & Associates. The appraisal indicates that Ackerman is an Illinois certified residential appraiser.

In estimating the market value of the subject property Ackerman developed the sales comparison approach to value using four sales and two listings. The comparables were composed of four, two-story dwellings and two, Cape Cod style dwellings. The dwellings were located in Itasca and ranged in age from 32 to 104 years old. The homes ranged in size from 1,788 to 2,445 square feet of living area. Each comparable has a basement with two being finished with recreation rooms. Five of the comparables have central air conditioning, five of the comparables have 1 or 2 fireplaces and five comparables have two-car garages. Due to the photocopying of the report, the only data that could be gleaned was that sales #1 through #3 sold in September 2008 for prices ranging from \$250,000 to \$395,000 or from \$139.82 to \$174.09 per square foot of living area, land included; data for sale #4 and the listings were not included in this photocopy. After making adjustments for differences from the subject, the appraiser estimated the comparables had adjusted sales prices ranging from \$284,500 to \$331,500. Based on these sales and listings, the appraiser estimated the subject had a market value of \$300,000 as of November 7, 2008.

The grid analysis set forth three comparable sales located within three blocks of the subject property and each of which is in the same neighborhood code assigned by the assessor as the subject property. The comparable parcels range in size from 12,325 to 31,705 square feet of land area and are improved with two-story frame or brick and frame dwellings. The homes range in age from 50 to 108 years old and range in size from 1,956 to 2,754 square feet of living area. Two comparables have basements, one of which is partially finished. Each home has central air conditioning and a 400 square foot garage. Two comparables have one or two fireplaces each. These properties sold between November 2005 and November 2007 for prices ranging from \$395,000 to \$423,000 or from \$143.43 to \$216.25 per square foot of living area, including land.

Based on the foregoing evidence, the appellant requested a total assessment reduction to \$100,000 which would reflect an estimated market value of approximately \$300,000 or \$161.12 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject of \$146,920 was disclosed. The subject's assessment reflects a market value of \$441,732 or \$237.24 per square foot of living area, land included, using the 2009 three year average median level of assessments for DuPage County of 33.26%.

² The appraisal report appears to have been prepared on 8.5 x 13 (legal-sized) paper, but was photocopied in a way to only copy the lower 8.5 x 11 portion of the report and resulting in cutting off the top portion of each page.

In support of the assessment the board of review submitted an "Addendum to Board of Review Notes on Appeal" and Exhibit #1 which includes a list of six comparables, five of which included sales data along with a list reiterating the appellant's appraiser's six comparables. As to the appraisal comparables, only sale #1 and listing #2 were in the subject's neighborhood code as assigned by the assessor. The board of review's data also noted that sales #1 and #4 were 1.5-story dwellings. Appraisal sale #6 sold in April 2009 for a price of \$395,000; the appraisal indicated this property was listed for a price of \$499,000. The board of review's comparable #4 is the same property as appellant's grid analysis sale #3.

The five sales comparables presented by the board of review were located in the same neighborhood code assigned by the assessor as the subject property. The parcels were improved with two-story dwellings of frame or frame and brick construction that ranged in size from 1,956 to 2,348 square feet of living area. The dwellings were constructed from 1900 to 1955. Each comparable has a basement, three of which include finished area; each comparable has central air conditioning and four have one or two fireplaces; and four comparables have either an attached or detached garage ranging in size from 360 and 528 square feet of building area. The sales occurred from August 2005 to September 2007 for prices ranging from \$405,000 to \$518,000 or from \$176.24 to \$241.38 per square foot of living area, land included.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 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. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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 totality of the sales in the record support a reduction in the subject's assessment.

In support of the complaint the appellant submitted an appraisal estimating the subject property had a market value of \$300,000 as of November 7, 2008, a date a mere two months prior to the assessment date at issue of January 1, 2009. Moreover, the sales and listings analyzed in that appraisal report were more proximate to the assessment date at issue than the sales presented by the board of review which occurred between August 2005 and September 2007, which is at least 15 months prior to the assessment date at issue. However, much of the appraisal report is missing due to the manner in which it was photocopied making a full analysis of the data impossible.

The Board finds based on all of the sales in the record that the appraisal's sales #1 and #6, appellant's grid sales #1 and #2 along with board of review comparable #1 were each located in the subject's neighborhood code. These comparables were improved with either 2-story or 1½-story dwellings of frame or frame and brick construction ranging in size from 1,788 to 2,754 square feet of living area. The dwellings were constructed between 1904 and 1959. These comparables had similar features as the subject dwelling. Board of review comparable #1 sold in July 2007 for a price of \$518,000 or \$230.43 per square foot of living area, land included. Appraisal sale #1 sold in September 2008 for a price of \$250,000 or \$139.82 per square foot of living area, land included. Appraisal listing #6 was listed on the open market in May 2008 for a price of \$499,000 or \$204.09 per square foot of living area, but ultimately sold in April 2009 for a price of \$395,000 or \$161.55 per square foot of living area, land included. Appellant's grid sales #1 and #2 sold in July and November 2007 for prices of \$395,000 and \$400,000 or for \$143.43 and \$156.13 per square foot of living area including land. The subject's assessment reflects a market value of \$441,732 or \$237.24 per square foot of living area, land included, which is above the range on a square foot basis as established by the best comparables in the record. Based on these most similar sales the Property Tax Appeal Board finds a reduction in the subject's assessment is 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: November 30, 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.