



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

APPELLANT: Ludwik Gal
DOCKET NO.: 10-01715.001-R-2
PARCEL NO.: 10-08-100-017

The parties of record before the Property Tax Appeal Board are Ludwik Gal, the appellant, by attorney Dennis W. Hetler of Dennis W. Hetler & Associates PC, in Chicago; the DuPage County Board of Review; the Lemont Fire Protection District, and Lemont Township High School District 210, intervenors, by attorney Scott E. Nemanich of Hinshaw & Culbertson LLP in Lisle.

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: \$40,750
IMPR: \$158,930
TOTAL: \$199,680

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of brick construction containing 3,316 square feet of building area.¹ The home was built in 2005 and has a full unfinished basement. Other features include central air conditioning, two fireplaces and a 1,644 square foot four-car garage. The dwelling is situated on 26,100 square feet of land located in Downers Grove Township, DuPage County, Illinois.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellant submitted an appraisal of the subject property prepared by Ray A. Johnson, a state licensed appraiser. The intended use of the appraisal report was for the lender/client to evaluate the subject property for a mortgage

¹ The appellant reports the subject improvement has 3,045 square feet of living area. The board of review reports the subject improvement has 3,316 square feet of living area.

finance transaction. The appraisal report conveys an estimated market value for the subject property of \$440,000 as of May 11, 2010, using the cost and sales comparison approaches to value.

Under the cost approach to value, the appraiser first assigned a value for the subject lot of \$85,000. The appraiser offered no substantiation or evidence of how this value was derived other than, "The opinion of site value was estimated by market extraction and the knowledge and expertise of the appraiser. No similar land sales were present in the subject's immediate market area". The appraiser utilized the Marshall & Swift Residential Cost Handbook in calculating a replacement cost new (RCN) for the subject improvement of \$498,795, using 3,045 square feet of living area. The appraiser deducted \$41,550 for physical depreciation supposedly using the age life method of calculating depreciation. The appraiser next reported \$5,000 for "As-is" value of site improvements, and concluded an indicated value under the cost approach of \$547,200.

Under the sales comparison approach to value, the appraiser utilized five comparable sales and three listings located from 0.41 of a mile to 5.22 miles from the subject property. The comparables have lot sizes ranging from 9,216 to 40,075 square feet of land area. Comparable #3's lot size was reported as 20,33 square feet. The comparables consist of one-story and two-story dwellings that contain from 1,644 to 3,010 square feet of living area. The dwellings were built from 1976 to 2005. Five comparables feature full basements, one of which is partially finished and three comparables feature partial basements, two of which are finished. Other features include central air conditioning and two-car or three-car garages. The sales occurred from June to September 2009 for prices ranging from \$366,000 to \$540,000 or from \$157.61 to \$222.63 per square foot of living area including land. The listings were offered for prices ranging from \$549,900 to \$699,000 or from \$207.57 to \$230.37 per square feet of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject in date of sale/time, sale or financing, location, site, quality of construction, actual age, condition, room count, gross living area, basement & finished, rooms below grade, garage/carport and porch/patio/deck. The adjustments resulted in adjusted sale prices ranging from \$430,000 to \$565,900, land included. Based on the adjusted sale prices, the appraiser concluded the subject had an estimated market value under the sales comparison approach of \$440,000.

In reconciliation, the appraiser placed most weight on the sales comparison approach and opined the subject had a fair market value of \$440,000 as of May 11, 2010.

Based on this evidence the appellant requested the subject's assessment be reduced to \$146,652.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$248,830 was disclosed. The subject's assessment reflects an estimated market value of \$747,686 or \$225.48 per square foot of living area including land using DuPage County's 2010 three-year median level of assessments of 33.28%.

In support of the subject's assessment, the board of review submitted a grid analysis and property record cards of eight suggested comparables. Six of the comparables are located in Lamont, Illinois. The comparables consist of one-story or part one-story and part two-story frame or brick dwellings that range in size from 2,279 to 3,784 square feet of living area. The dwellings were built from 1997 to 2007 and have full or partial unfinished basements. Other features include one or two fireplaces and garages ranging in size from 637 to 936 square feet of building area. Comparables #1 through #6 had central air conditioning. The comparables have assessments ranging from \$171,550 to \$238,000. Four of the comparables sold from April 2008 to February 2009 for prices ranging from \$491,000 to \$655,000 or from \$154 to \$200 per square feet of living area including land, rounded.

Based on the evidence presented, the board of review requested a confirmation of the subject's assessment.

The interveners to this appeal, the Lemont Fire Protection District and Lemont Township High School District 210, adopted the evidence submitted by the DuPage County Board of Review pursuant to Section 1910.99 of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.99).

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 a reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant met this burden.

As an initial matter, the Board finds the parties offered two differing sizes for the subject's improvements. The appellant reports a size of 3,045 based on the sketch within the appraisal report. The Board gave less weight to the appellant's evidence of size. The Board finds the sketch measurements are not legible. In addition, the appraiser disclosed, "The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size."

The board of review reports the subject has 3,316 square feet of living area, which is supported by the dwelling sketch contained in the property record card. Therefore, the Board finds the subject contains 3,316 square feet of living area.

The appellant submitted an appraisal report estimating the subject property had a fair market value of \$440,000 as of May 11, 2010. The board of review offered eight comparables for consideration. The appellant's appraiser made large adjustments for date of sale of the comparables to correspond with the report's effective date of May 11, 2010. These adjustments would not correspond with the subject's January 1, 2010 assessment date. In addition, comparable #3 is 29 years older than the subject and the gross adjustment for this comparable was calculated to be 43.7%, which calls into question its comparability. Comparables #2 and #5 were described as dissimilar two-story dwellings when compared to the subject. For these reasons, the Board gave less weight to the value conclusion derived from the appellant's appraisal. However, the Board will examine the raw sales data within the appraisal report.

The Board finds both parties submitted a total of sixteen comparable properties for the Board's consideration. The Board gave no weight to the board of review's comparables #5, #6, #7 and #8 as they do not address the market value complaint raised by the appellant. The Board also gave less weight to the board of review comparable #1, #2 #3 and #4 due to their dissimilar two-story design when compared to the subject. In addition, comparables #1, #2 and #3 had sale dates occurring greater than 15 months prior to the subject's January 1, 2010 assessment date. The Board gave less weight to the appellant's comparables #2 and #5 due to their dissimilar two-story design when compared to the subject. The Board also gave less weight to comparable #3 due to its considerably smaller size and older age when compared to the subject.

The Board finds the remaining two sales and three listings offered by the appellant were more similar to the subject in size, style, exterior construction and features. These sales occurred in June and September 2009 for prices of \$540,000 and \$430,000 or \$183.24 and \$166.60 per square foot of living area including land, respectively. The three listings, which set the upper limit of value, were offered for prices ranging from \$549,900 to \$699,000 or from \$207.57 to \$230.37 per square feet of living area including land. The subject's assessment reflects an estimated market value of \$747,686 or \$225.48 per square foot of living area including land. The subject's estimated market value is greater than all the comparables in this record. After considering adjustments to the comparables for differences when compared to the subject, such as the subject's superior lot size and amenities, the Board finds the subject's estimated market value as reflected by its assessment is excessive and a reduction 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: April 19, 2013

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.