



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

APPELLANT: York Tower Condominium Association  
DOCKET NO.: 10-02640.001-R-2 through 10-02640.031-R-2  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are York Tower Condominium Association, the appellant, by attorney Michael Elliott of Elliott & Associates, P.C., in Des Plaines; the DuPage County Board of Review; and the Elmhurst C.U.S.D. #205, intervenor, by attorney Ares G. Dalianis of Franczek Radelet P.C. in Chicago.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds **a reduction**<sup>1</sup> 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
10-02640.001-R-2	03-25-120-001	3,730	26,270	\$30,000
10-02640.002-R-2	03-25-120-003	3,730	26,270	\$30,000
10-02640.003-R-2	03-25-120-005	3,730	26,270	\$30,000
10-02640.004-R-2	03-25-120-007	3,730	26,270	\$30,000
10-02640.005-R-2	03-25-120-008	3,730	26,270	\$30,000
10-02640.006-R-2	03-25-120-014	3,730	26,270	\$30,000
10-02640.007-R-2	03-25-120-016	3,730	26,270	\$30,000
10-02640.008-R-2	03-25-120-018	3,730	26,270	\$30,000
10-02640.009-R-2	03-25-120-022	3,730	26,270	\$30,000
10-02640.010-R-2	03-25-120-023	3,730	26,270	\$30,000
10-02640.011-R-2	03-25-120-026	3,730	26,270	\$30,000
10-02640.012-R-2	03-25-120-029	3,730	26,270	\$30,000
10-02640.013-R-2	03-25-120-030	3,730	26,270	\$30,000
10-02640.014-R-2	03-25-120-041	3,730	26,270	\$30,000
10-02640.015-R-2	03-25-120-043	3,730	26,270	\$30,000
10-02640.016-R-2	03-25-120-047	3,730	26,270	\$30,000
10-02640.017-R-2	03-25-120-048	3,730	26,270	\$30,000

<sup>1</sup> This decision reflects reductions in the assessments of Docket Nos. 10-02640.001-R-2 through 10-02640.022-R-2 based on the evidence of record. On October 25, 2013 the appellant submitted stipulations that were executed by the board of review on October 10, 2013 for Docket Nos. 10-02640.023-R-2 through 10-02640.031-R-2. The intervenor adopted the evidence of the board of review and pursuant to section 1910.99(a) of the rules of the Property Tax Appeal Board, the intervenor is precluded from withholding its authorization for settlement of an appeal if the party with whom it adopted evidence reaches an agreement in the pending appeal. (86 Ill.Admin.Code §1910.99(a)).

10-02640.018-R-2	03-25-120-050	3,730	26,270	\$30,000
10-02640.019-R-2	03-25-120-053	3,730	26,270	\$30,000
10-02640.020-R-2	03-25-120-054	3,730	26,270	\$30,000
10-02640.021-R-2	03-25-120-056	3,730	26,270	\$30,000
10-02640.022-R-2	03-25-120-060	3,730	26,270	\$30,000
10-02640.023-R-2	03-25-120-071	1,570	5,194	\$6,764
10-02640.024-R-2	03-25-120-072	480	1,488	\$1,968
10-02640.025-R-2	03-25-120-073	630	1,994	\$2,624
10-02640.026-R-2	03-25-120-074	910	2,985	\$3,895
10-02640.027-R-2	03-25-120-075	550	1,773	\$2,323
10-02640.028-R-2	03-25-120-076	660	2,128	\$2,788
10-02640.029-R-2	03-25-120-079	1,740	5,667	\$7,407
10-02640.030-R-2	03-25-120-081	1,250	4,079	\$5,329
10-02640.031-R-2	03-25-120-083	400	693	\$1,093

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a 372-unit mixed use residential and commercial condominium complex. The units are approximately 35 years old. Each residential unit contains 800 square feet of living area. The commercial units on appeal range in size from 80 to 542 square feet of building area. The property has a 692,937 square foot site and is located in Bensenville, Addison Township, DuPage County.

The appellant's appeal is based on overvaluation concerning 22 residential units and 9 of the commercial units. In support of this argument the appellant's counsel submitted a brief and evidence. Counsel contends that sale prices have dropped dramatically based on the sales and listing evidence presented.

For residential units according to the appellant, foreclosures dominate recent sales where nine sales occurred between September 2010 and October 2011, each of which was a foreclosure. These nine residential units sold for prices ranging from \$24,000 to \$38,500 or from \$30.00 to \$48.13 per square foot of living area, including land. These sales present an average sale price of \$30,056 or \$37.50 per square foot of living area, including land. Among the nine sales is Unit 505 which is Docket No. 10-02640.014-R-2 in this appeal which sold in October 2010 for \$30,450 or \$38.06 per square foot of living area, including land.

With respect to the commercial units, counsel for the appellant requests "a 10% premium over the residential units or \$41.25 per square foot." Additionally, counsel reported that the assessor reduced the 2011 assessments by 20% for the residential units. "We submit this is, essentially, an admission by the Assessor that the 2010 assessments were excessive." Citing Hoyne Savings & Loan Association v. Hare, 60 Ill. 2d 84 (1974). As reflected

in Footnote 1, these parcels are part of a stipulation and will not be further addressed herein.

Based on this evidence, the appellant requested a reduction in the assessment of each of the residential units to \$30,000 which would reflect a market value of \$112.50 per square foot of living area and that the commercial units reflect a market value of \$123.75 per square foot of building area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the total assessment of \$907,010 was disclosed for the 31 parcels on appeal. These 31 parcels within the condominium complex reflect a market value of \$2,725,391, including land, when applying the 2010 three year average median level of assessment for DuPage County of 33.28% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)). The intervening taxing district by letter dated June 14, 2013 adopted the evidence presented by the board of review in this matter. (86 Ill.Admin.Code §1910.99).

The board of review requested that the Property Tax Appeal Board "make a decision based on uniformity. This is a condo facility." Each of the residential units on appeal have an estimated market value based on their 2010 assessments of \$112,541 or \$140.68 per square foot of living area, including land. The nine commercial units on appeal have an estimated market value based on their 2010 assessments ranging from \$12,451 to \$52,115 or from \$96.17 to \$155.64 per square foot of building area, including land.

In support of the assessment, the board of review presented a spreadsheet of "the sales that occurred in the 3 prior years to the 1-1-2010 lein [sic] date." These nine sales in the subject condominium complex were of 800 square foot units that sold between July 2007 and November 2008 for prices ranging from \$67,000 to \$131,054 or from \$83.75 to \$163.82 per square foot of building area, including land. Among these nine sales is Unit 507 which is Docket No. 10-02640.015-R-2 in this appeal which sold in November 2008 for \$71,500 or \$89.38 per square foot of living area, including land.

In further support of the assessment, the board of review presented a second spreadsheet of "sales that occurred after the 1-1-2010 lein [sic] date"; nine of these fifteen sales were previously reported by the appellant. All fifteen sales in the subject condominium complex were of 800 square foot units that sold between August 2010 and August 2012 for prices ranging from \$17,451 to \$101,184 or from \$21.81 to \$126.48 per square foot of building area, including land. Among the fifteen sales is Unit 402 which is Docket No. 10-02640.011-R-2 in this appeal which sold in January 2012 for \$35,000 or \$43.75 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessments.

In written rebuttal, the appellant contends that the board of review's raw sales data lacked any substantive documentary evidence to confirm that the sales evidence was "correct or relevant." Moreover, the appellant contended that sales that occurred prior to 2007 should be ignored as being too distant in time to being indicative of the property's market value in 2010; additionally, the appellant urged that little or no weight be afforded to the sales presented from 2007 and 2008 as these similarly would not reflect current conditions.

As to the board of review's request that a decision be made based on uniformity, appellant's counsel reiterated that the instant claim is based on comparable sales, not uniformity. Therefore, appellant requested that uniformity evidence be disregarded as irrelevant to the appeal.

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 appellant contends the market values of the subject 31 parcels are not accurately reflected in their assessed valuations. 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 (3<sup>rd</sup> Dist. 2002); 86 Ill.Admin.Code §1910.63(e). 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 met this burden of proof with regard to the residential units and a reduction in the residential unit's assessments are warranted; reductions in the assessments of the commercial units are issued in this Amended Final Administrative Decision in accordance with the submission of signed stipulations as outlined in Footnote 1.

As to the residential units, the Board finds the parties submitted a total of 24 sales of 800 square foot units that occurred between July 2007 and June 2012. Given that the assessment date at issue is January 1, 2010, the Board has given most weight to the sales that occurred most proximate in time to the assessment date. Thus, the Board has given most weight to the sales that occurred from July 2009 through June 2011 which represents twelve sales that bracket the assessment date. The sale prices range from \$24,000 to \$101,184 or from \$30.00 to \$126.48 per square foot of living area, including land.

The residential unit's 2010 assessments of \$37,510 reflect a market value of approximately \$112,541 or \$140.68 per square foot of living area, including land, at the statutory level of assessment, which is above the range established by the comparable sales that occurred most proximate to the assessment date on this record. Therefore the Board finds the record does demonstrate by a preponderance of the evidence that the

residential units were overvalued and a reduction in the assessment of the residential units on appeal is justified.

In summary, the Board finds that the assessments of the residential units should be reduced commensurate with the appellant's request and based upon a preponderance of the evidence of recent sales of similar units. Furthermore, the assessments of the commercial units should be reduced in accordance with the stipulations executed by the appellant and the board of review.

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.



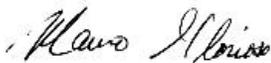
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Chairman



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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: December 20, 2013



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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.