



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

APPELLANT: John Abramic
DOCKET NO.: 10-03423.001-R-1
PARCEL NO.: 07-23-404-011

The parties of record before the Property Tax Appeal Board are John Abramic, 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: \$38,570
IMPR: \$103,100
TOTAL: \$141,670**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame and masonry construction containing approximately 3,105 square feet of living area. The dwelling was constructed in 1981. Features of the home include a 1,460 square foot basement,¹ central air conditioning, a fireplace and a two-car garage of 462 square feet of building area. The property also has a shed with an approximate 20,620 square foot site and is located in a cul-de-sac in Naperville, Naperville Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted two appraisals of the subject property, a grid analysis of three additional comparable sales and a brief which included an argument regarding the history of percentage changes in the subject's assessment.

Attached as Exhibit 1 was an appraisal estimating the subject property had a market value of \$425,000 as of June 7, 2010. The appraisal was prepared by Kristy Wolverton and supervised by Paul Szwed. Both appraisers are certified by the State of Illinois. The appraisal was prepared for a refinance transaction, but estimated the market value of the property in fee simple. In estimating the market value of the subject property, the

¹ The assessing officials depict the subject as having an unfinished basement although both appraisers presented by the appellant indicated the basement was 80% finished.

appraisers developed both the cost and the sales comparison approaches to value.

As to the subject dwelling, the appraisers estimated a dwelling size of 2,952 square feet² and reported the basement was 80% finished with a recreation room and den, a master bath shower was not functional at the time of inspection and needed renovation, and a dining room window exterior showed evidence of rotting wood. Overall the dwelling was deemed to be in average condition and generally well-maintained.

Under the cost approach, the appraisers estimated the subject had a site value of \$105,000 based on the allocation method. The appraisers estimated the replacement cost new of the improvements to be \$377,760 using a national building cost manual. The appraisers estimated physical depreciation to be \$70,830 resulting in a depreciated improvement value of \$306,930. The appraisers also estimated the site improvements had a value of \$10,000. Adding the various components, the appraisers estimated the subject property had an estimated market value of \$421,930 under the cost approach to value.

Using the sales comparison approach, the appraisers provided information on four comparable sales and two pending sales. The properties were from .05 to .78 of a mile from the subject. The comparables were described as two-story dwellings of frame or frame and masonry construction that range in size from 2,464 to 3,935 square feet of living area. The dwellings were constructed from 1980 to 1990. Features of the comparables include a basement, four of which are finished. Each home has central air conditioning, a fireplace and a two-car garage. The comparables have sites ranging in size from 10,011 to 23,249 square feet of land area. Four of the comparables sold from March to June 2010 for prices ranging from \$385,000 to \$580,000 or from \$110.80 to \$180.46 per square foot of living area, including land. Pending sale comparables #5 and #6 had prices of \$460,000 and \$459,900 or \$139.90 and \$179.37 per square foot of living area, including land.

After making adjustments to the comparables for date of sale/time and/or differences from the subject, the appraisers estimated the comparables had adjusted prices ranging from \$411,995 to \$469,513 or from \$104.70 to \$178.99 per square foot of living area, including land. With most weight on comparables #1 through #3, the appraisers estimated a value of \$425,000 under the sales comparison approach.

In reconciling the two approaches to value, the appraisers gave most weight to the sales comparison approach to value as being more reliable and estimated the subject property had a market value of \$425,000 as of June 7, 2010.

² The appraisers acknowledged the assessing officials had a slightly larger dwelling size, but the appraisers believe the assessor did not "take into consideration the two story foyer."

Attached as Exhibit 2 was an appraisal estimating the subject property had a market value of \$430,000 as of January 17, 2009. The appraisal was prepared by Patricia Caporusso-Kulpins, a State of Illinois Certified Residential Real Estate Appraiser. The appraisal was prepared for a refinance transaction, but estimated the market value of the property in fee simple. In estimating the market value of the subject property, the appraiser developed the cost and the sales comparison approaches to value.

The appraiser reported the subject as containing 2,691 square feet of living area which was supported with a schematic drawing. The home also features a partial basement that was 80% finished. The dwelling was reported to be clean and well-maintained with no functional or external obsolescence and no deferred maintenance.

Under the cost approach, the appraiser estimated the subject had a site value of \$110,000. The appraiser estimated the replacement cost new of the improvements to be \$454,855. The appraiser estimated physical depreciation to be \$75,824 resulting in a depreciated improvement value of \$379,031. The appraiser also estimated the site improvements had a value of \$10,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$499,031 under the cost approach to value.

Using the sales comparison approach, the appraiser provided information on three comparable sales and two listings located from .20 to .85 of a mile from the subject. The comparables were described as two-story dwellings of frame and masonry construction that range in size from 2,446 to 3,085 square feet of living area. The dwellings range in age from 13 to 27 years old. Features of the comparables include partial basements, two of which include finished area. Each home has central air conditioning, one or two fireplaces and a two-car garage. Three of the comparables sold from September to December 2008 for prices of \$430,000 or \$440,000 or from \$142.63 to \$164.31 per square foot of living area, including land. The two listings had asking prices of \$475,000 and \$474,900 or \$194.19 and \$174.08 per square foot of living area, including land. After making adjustments to the comparables for date of sale/time and/or differences from the subject as further described in the report, the appraiser estimated the comparables had adjusted prices ranging from \$427,000 to \$446,155 or from \$138.41 to \$180.81 per square foot of living area, including land. The appraiser estimated the subject's value as \$430,000 under the sales comparison approach.

In reconciling the two approaches to value, the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$430,000 as of January 17, 2009.

In the Section V grid analysis of the appeal petition, the appellant submitted information on three sales comparables

located within 6 blocks of the subject. The properties were improved with two-story frame or frame and masonry dwellings that were built between 1980 and 1984. The comparables range in size from 2,800 to 2,890 square feet of living area. Each home was reported to have a finished basement, central air conditioning, a fireplace and a two-car garage. The sales occurred from October 2008 to November 2009 for prices ranging from \$375,000 to \$396,900 or from \$133.31 to \$137.34 per square foot of living area, including land.

As part of a brief and supported by data identified as Exhibit 4, the appellant contends that the assessment of the subject property has increased by varying percentage amounts from 2006 to 2009. The appellant reports that in total from 2006 to 2009 the increase has been 15.6% "during which market values for homes in the subject neighborhood declined. In support of this proposition, the appellant attached Exhibit 5, a "zillow.com report showing that Illinois home prices declined during the past 5 years."

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$141,666 which would reflect a market value of approximately \$425,000.

The board of review submitted its "Board of Review Notes on Appeals" wherein the subject's total assessment of \$156,800 was disclosed. The subject's assessment reflects a market value of \$471,154 or \$151.74 per square foot of living area, 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.

The board of review submitted an Addendum along with Exhibit 1 consisting of data gathered and prepared by the Naperville Township Assessor's Office addressing each aspect of the appellant's appeal. The assessor also provided three sales to support the subject's assessment.

As to the appellant's Exhibit 1 with a valuation date of June 7, 2010, the assessor wrote, "for assessing purposes, a 2010 appraisal and sales will be looked at in 2011." Furthermore, the appraisers' comparable #3 was not in the subject's neighborhood code and was not advertised through the local MLS. The assessor contended the home was vacant and "sold low due to the seller being transferred out of state." The assessor also noted that the homes differ in size from the subject and comparables #1 and #2 lack any masonry exterior construction.

As to the appellant's Exhibit 2 appraisal report, the township assessor contends that comparable #1 does not have masonry exterior, contrary to the appraiser's report. Additionally, comparable #2 considered by the appraiser is located outside the subject's neighborhood code and this property backs to a very busy street. Similarly, comparable #3 considered in this appraisal is on an arterial street. Despite the adverse

locations of comparables #2 and #3, the appraiser made no adjustment for the subject's superior cul-de-sac location. As a final point, the assessor noted these sales occurred in 2008.

As to the sales presented by the appellant in the grid analysis, the assessor stated that each home was smaller than the subject. Additionally, comparable #1 was sold by a relocation company "which typically will accept a below market offer to expedite a sale" and this sale occurred in 2008. Comparable #2 does not have any masonry exterior and comparables #2 and #3 have smaller basements than the subject, "although sale 2 has a partially finished area." The assessor also noted location in that comparable #1 was on a corner and comparables #2 and #3 are not on cul-de-sacs like the subject.

The assessor summarized that the appellant's nine³ suggested comparable sales range from \$110.80 to \$164.31 and based upon the assessor's "adjusted sale price \$/SF indicators that range from \$124.09 to \$179.53 the subject's market value indicator of \$151.51 falls within those ranges."⁴

As page 10 of the assessor's submission, the assessor presented a grid analysis with information on three comparable sales from the subject's neighborhood code. These comparables are improved with two-story dwellings of frame and masonry construction that range in size from 2,608 to 3,288 square feet of living area. The dwellings were constructed in 1984 or 1987. Features of the comparables include a full unfinished basement, central air conditioning, a fireplace and a two-car garage. The comparables sold from April to September 2009 for prices ranging from \$437,000 to \$470,000 or from \$142.94 to \$167.56 per square foot of living area, including land. The assessor acknowledged that none of these properties is located on a cul-de-sac and, in fact, comparable #3 is "located facing an arterial street in the neighborhood." Each home has a smaller basement area than the subject.

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 this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property

³ As set forth in the discussion of the appellant's evidence in this decision, the appellant's two appraisal reports along with the appellant's own sales presented a total of 14 sales, pending sales and listings.

⁴ As part of the submission, the township assessor presented data reflecting the 2007 through 2010 "Single Year Level of Assessment" for Naperville Township and then using that level, the assessor 'adjusted' the raw actual sales prices of all of the comparables presented by both parties.

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); 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 and a reduction in the subject's assessment is warranted.

The appellant's argument in part focused on the increase in the subject's assessment from 2006 to 2009 by a purported 15.6% during a time, he argued, the U.S. housing market did not support such an increase. The Board gives this aspect of the appellant's argument no weight. The mere fact that an assessment increases from one year to the next does not of itself establish the assessment is incorrect. Although the appellant made reference to "zillow.com" dealing with the trend in the Illinois housing market, such information is not specific for the individual property under appeal. Therefore, the Board gives this aspect of the appellant's argument little weight.

Instead, to demonstrate the assessment at issue is incorrect, the taxpayer needs to submit relevant, credible and probative market data to establish the market value of the property as of the assessment date at issue. The Board finds the appellant did submit information on credible comparable sales including two appraisals to challenge the correctness of the subject's assessment which will be analyzed herein.

The Board finds the best evidence of market value in the record to be the appellant's appraisal with a valuation date of June 7, 2010, a date a mere six months after the assessment date at issue of January 1, 2010. Moreover, the additional three comparable sales submitted by the appellant along with the three sales submitted by the township assessor on behalf of the board of review further support the appraisers' value conclusion of \$425,000. All of the comparables presented were similar to the subject in location, size, style, exterior construction, features and age. These properties also sold from October 2008 to June 2010 for prices ranging from \$375,000 to \$470,000.

The subject's assessment reflects a market value of \$471,154 which is above the range established by the best comparable sales in this record. Less weight was given to the appraisal with a valuation date of January 17, 2009. The opinion of value was distant from the assessment date at issue and considered only sales and listings from 2008 in arriving at an opinion of value.

Based on this record the Board finds the appellant did demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment commensurate with the appellant's request 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: October 18, 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.