



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

APPELLANT: Andrew Franklin
DOCKET NO.: 10-03457.001-R-1
PARCEL NO.: 03-10-305-011

The parties of record before the Property Tax Appeal Board are Andrew Franklin, the appellant, by attorney Whitney T. Carlisle of McCracken, Walsh & de LaVan, in Chicago; 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: \$38,030
IMPR.: \$26,690
TOTAL: \$64,720

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one and one-half story single family residence with 1,765 square feet of living area. The dwelling is 61 years old and has a 364 square foot garage. The property is located in Addison Township, DuPage County.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument, the appellant submitted a grid analysis of three comparable sales located in the same neighborhood code as assigned by the local assessor. The comparables had varying degrees of similarity when compared to the subject. The comparables sold in January or April 2010 for prices ranging from \$88,000 to \$199,000 or from \$55.98 to \$151.68 per square feet of living area including land.

The appellant also submitted a copy of the final decision issued by the DuPage County Board of Review establishing a total assessment for the subject of \$88,790. The subject's assessment reflects a market value of approximately \$266,397 or \$150.93 per

square foot of living area including land using the statutory level of assessments. Based on this evidence the appellant requested the subject's assessment be reduced to \$64,717.

The board of review did not timely submit its "Board of Review Notes on Appeal" and evidence in support of the assessed valuation of the subject property.

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 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. 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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted three comparable sales for the Board's consideration. The board of review did not timely submit any evidence in support of the assessment of the subject property or to refute the appellant's argument as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code 1910.40(a) & 1910.69(a)).

In analyzing the appellant's suggested sales, the Board gave less weight to the appellant's comparable #2. This comparable enjoys a basement and central air conditioning, which the subject lacks. Comparable #3 also enjoys central air conditioning, which the subject lacks. The Board finds the best comparable submitted by the appellant was comparable #1, which sold in April 2010 for \$154,000 or \$109.69 per square feet of living area including land. The subject's assessment reflects a market value of approximately \$266,397 or \$150.93 per square foot of living area including land, which is above the market value of the best comparable sale in this record. Therefore, the Board finds the subject's assessment is excessive and a reduction in the subject's total 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: January 31, 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.