



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

APPELLANT: JLT Property Management
DOCKET NO.: 11-01509.001-R-1
PARCEL NO.: 09-16-211-005

The parties of record before the Property Tax Appeal Board are JLT Property Management, the appellant, by attorney Edwin M. Wittenstein of Worsek & Vihon, 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: \$38,630
IMPR.: \$14,700
TOTAL: \$53,330**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing approximately 882 square feet of living area.¹ The dwelling was constructed in 1948. Features of the home include a concrete slab foundation, central air conditioning and a two-car garage of 360 square feet of building area. The property has a 17,460 square foot site and is located in Westmont, Downers Grove Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$160,000 as of October 24, 2011. The appraisal was prepared by Mark R. Stapleton, a State of Illinois Certified Residential Real Estate Appraiser, for a refinance transaction and the rights appraised were fee simple. In estimating the market value of the subject property, the appraiser developed the income and the sales comparison approaches to value.

¹ The assessing officials report a dwelling size of 852 square feet of living area as depicted in a property record card with a schematic. The appraiser's schematic drawing of the subject depicting 882 square feet is slightly more detailed and has been given greater weight in this decision.

As to the subject dwelling, the appraiser noted there were no updates to the property in the prior 15 years. Additionally, there were no apparent signs of deferred maintenance, "however, the interior of the home needs miscellaneous painting and updating in the kitchen and bathroom." In the Supplemental Addendum, the appraiser also noted the subject is situated on a larger than conforming site, this is a fairly small home and considered a borderline underimprovement for the area, but the structure still has function use and is in average condition. This would not affect the marketability of the property, but the subject lacks a basement which is atypical for the area.

In the income approach to value, the appraiser utilized rental comparables as outlined in the Single Family Comparable Rent Schedule. In that document, the appraiser presented three rental comparables located from .64 to 1.35-miles from the subject property. The rental comparables had rents ranging from \$1,000 to \$1,150 per month. The comparables contain either 775 or 1,000 square feet of living area and each has a full unfinished basement. Two comparables have outside parking and one comparable has a two-car garage. After adjustments for differences, the appraiser reported adjusted monthly market rents ranging from \$1,075 to \$1,135.

Considering this data, the appraiser estimated the subject would have an estimated rent of \$1,100 per month with a gross rent multiplier of 150 resulting in an indicated value by the income approach of \$165,000. The appraiser further noted that the "income approach is not considered to be applicable since most homes in the subject area are owner occupied with limited rental data available to the appraiser. However, it was included due to the request of the client."

Using the sales comparison approach, the appraiser provided information on four comparable sales and two listings located from .01 to .37 of a mile from the subject. The comparables are described as one-story dwellings that range in size from 900 to 1,236 square feet of living area. The dwellings range in age from 53 to 63 years old. Four of the comparables include a basement and each of the homes has central air conditioning and a one-car or a two-car garage. One of the comparables has a fireplace. The comparables have sites ranging in size from 9,000 to 22,192 square feet of land area. Four of the comparables sold from January to August 2011 for prices ranging from \$150,000 to \$205,000 or from \$166.67 to \$185.02 per square foot of living area, including land. The listings had asking prices of \$199,000 and \$199,900 or \$161.73 and \$180.91 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject that were detailed in the Supplemental Addendum, the appraiser estimated the comparables had adjusted prices ranging from \$137,500 to \$171,700 or from \$129.61 to \$163.60 per square foot of living area, including land. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison

approach of \$160,000 or \$181.41 per square foot of living area, including land.

In reconciling the two approaches to value the appraiser gave sole weight to the sales comparison approach to value and estimated the subject property had a market value of \$160,000 as of October 24, 2011.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeals" wherein the subject's total assessment of \$61,650 was disclosed. The subject's assessment reflects a market value of \$185,970 or \$210.85 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

In support of the subject's assessment the board of review submitted a three-page memorandum outlining a response to the appellant's data and evidence in support of the assessment. As to the named appellant, the board of review's submission stated "our records indicate the owners as Linda Tischler and Maribeth Tischler (deed document attached)." Attached were three documents: a Trustee's Deed where Maribeth Tischler (trust) conveyed one-half interest each to herself (in trust) and to Linda Tischler (trust) executed July 15, 2010; a Quit Claim Deed where Maribeth and Linda Tischler (trusts) conveyed the property to Daniel Tischler executed on November 29, 2011; and a Deed in Trust with Daniel Tischler conveying the property to Maribeth and Linda Tischler (trusts) executed on December 27, 2011. Furthermore, no motion challenging jurisdiction on this basis was timely made by the board of review.

Next, the memorandum addressed "criticisms" that the appraised value was as of October 24, 2011, but "we assess as of 1/1/2011"; there were no location adjustments; lack of consistency in site adjustments; along with other comments including the lack of reference to the July 2010 permit for a new roof on the subject property.

Then the memorandum outlined "assessed values differences" and set forth "appraisal adjustments" for the comparables with [market] value conclusions after adjusting assessments ranging from \$188 to \$262 per square foot of living area, including land.

In support of the subject's estimated market value as reflected by its assessment, the board of review presented a spreadsheet of three comparable sales located within a half mile of the subject

property.² The comparables are improved with one-story dwellings of frame or brick exterior construction that range in size from 1,000 to 1,200 square feet of living area. The dwellings were constructed from 1958 to 1967. Features of the comparables include a full basement, one of which is 50% finished. Each home has a garage of either 528 or 624 square feet of building area. The comparables have sites ranging in size from 10,227 to 10,653 square feet of land area. Each comparable has the same neighborhood code as the subject property. The comparables sold from May 2009 to January 2010 for prices ranging from \$235,000 to \$310,000 or from \$217.79 to \$310.00 per square foot of living area, including land.

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 Property Tax Code allows "any taxpayer dissatisfied with the decision of the board of review" to file an appeal with the Property Tax Appeal Board within specified time limits. (35 ILCS 200/16-160). In addition, the procedural rules of the Property Tax Appeal Board mandate that if the board of review objects to the jurisdiction of the Property Tax Appeal Board in a given appeal that "it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal and accompanying documentation." (86 Ill.Admin.Code §1910.40(b)). As discussed above, the memorandum questioning the standing of the appellant JLT Property Management was attached to the "Board of Review - Notes on Appeals" and no request to dismiss was filed prior thereto. The Board will not consider the issue set forth in the memorandum regarding the named appellant and furthermore, the attached documentation regarding ownership does not establish that JLT Property Management was not the "taxpayer" of the subject property.

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); 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.

² The memorandum also outlines "adjustments" to the assessments of these comparables to arrive at [market] values ranging from \$182 to \$198 per square foot of living area, including land.

The Board finds the best evidence of market value to be the appraisal of the subject property submitted by the appellant. The appellant's appraiser developed the income and sales comparison approaches to value and gave sole weight to the sales comparison approach. The sales and listings utilized by the appraiser were similar to the subject in location, size, style, exterior construction, features, age and/or land area with adjustments for differences which were explained and appear well-supported. These properties also sold or were listed most proximate in time to the assessment date at issue of January 1, 2011.

Furthermore, the appraised value of \$160,000 is below the market value reflected by the assessment of \$185,970. No weight was given to the data in the memorandum from the board of review adjusting the assessments of the board of review's comparables to arrive at a market value estimate based upon the adjusted assessments. The three comparables presented by the board of review sold between May 2009 and January 2010. Less weight was given the board of review comparable sales #2 and #3 due to the dates of sale not being proximate in time to the assessment date at issue of January 1, 2011. Additionally, less weight was given to board of review comparable #1 due to differences in age, size, full basement and garage size, each of which is superior when compared to the subject dwelling built in 1948 and containing 882 square feet of living area on a concrete slab foundation with a 360 square foot garage.

Based on this record the Board finds the subject property is overvalued based on its assessment and a reduction commensurate with the appellant's request 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: November 22, 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.