



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

APPELLANT: Carl A. Neumann  
DOCKET NO.: 11-01599.001-R-1  
PARCEL NO.: 07-02-401-031

The parties of record before the Property Tax Appeal Board are Carl A. Neumann, the appellant, by attorney Thomas J. McNulty of Neal, Gerber & Eisenberg, 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:       \$81,220  
IMPR.:      \$160,420  
TOTAL:     \$241,640**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a 2.5-story single-family dwelling of frame and masonry construction containing 4,618 square feet of living area.<sup>1</sup> The dwelling was constructed in 1989. Features of the home include a full basement finished as a recreation room,<sup>2</sup> central air conditioning, two fireplaces, a hot tub in a sun room and an attached three-car garage. The property has an 11,250 square foot site and is located in Naperville, Naperville 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 \$725,000 as of January 1, 2011. The appraisal was prepared by Michael A. Del Monte, a State of Illinois certified real estate appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

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<sup>1</sup> The appellant's appraiser reported a dwelling size of 4,336 square feet as supported by a schematic drawing of the first and second floors. The assessing officials, however, reported there are 282 square feet of finished area on the third floor resulting in a dwelling size of 4,618 square feet. The Board finds the evidence in the record as presented by the assessing officials was no disputed in rebuttal and therefore has been given more weight.

<sup>2</sup> The appraiser reported this recreation room which is not currently included in the records of the assessing officials.

The appraiser described the subject parcel as having an average/similar property view.

In the report, the appraiser provided information on eight comparable sales located from .05 to .89 of a mile from the subject property. The comparables are described as two-story dwellings of frame and masonry construction that range in size from 3,425 to 4,134 square feet of living area. The dwellings range in age from 5 to 34 years old. Features of the comparables include a full finished basement, central air conditioning, one or two fireplaces and a three-car garage. The comparables have sites ranging in size from 9,375 to 18,710 square feet of land area. The comparables sold from May 2010 to September 2011 for prices ranging from \$625,000 to \$850,000 or from \$171.28 to \$216.17 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject in room count, dwelling size, functional utility, number of fireplaces and/or bathroom/kitchen updates, the appraiser estimated the comparables had adjusted prices ranging from \$663,750 to \$759,600 or from \$173.08 to \$203.84 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 \$725,000 or \$156.99 per square foot of living area, including land, based upon a dwelling size of 4,618 square feet.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$288,260 was disclosed. The subject's assessment reflects a market value of \$869,563 or \$188.30 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)).

The board of review submitted its Addendum to Board of Review Notes on Appeal with Exhibit #1. In the Addendum, the board of review contended that the appraisal was intended for a mortgage finance transaction.<sup>3</sup> In addition, the board of review stated the appraisal is "not an opinion of the Ad Valorem Assessment value."

The board of review also submitted Exhibit #1 consisting of a memorandum and data gathered by the Naperville Township Assessor's Office. The assessor first noted the dwelling size discrepancy outlined in footnote 1. Additionally, the assessor contends that the subject property has a premium location "backing to the McDowell Grove Forest Preserve." As to the

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<sup>3</sup> On page 1 of the appraisal, the assignment type is noted as "other" and "market value" with the client being Carl A. Neumann, the appellant.

appraiser's sale #4, the assessor notes the September 2011 reported sale price is "well beyond the 1/1/2011 assessment date" and instead cites to a December 2008 sale of this property which is 24 months prior to the assessment date of 1/1/2011.

The assessor also contends that appraisal comparables #3, #5, #6, #7 and #8 are from outside the subject's assigned neighborhood code. Furthermore, each suggested appraisal comparable is a two-story dwelling and smaller in size when compared to the subject's 2.5-story design and size. Basements are also smaller than the subject for several of the comparables and two of the comparables have only two-car garages as compared to the subject's three-car garage feature.

However, the assessor acknowledged that appraisal comparable #4 backs to the McDowell Grove Forest Preserve like the subject and comparables #5 and #7 back to a pond.

In support of the subject's assessment, the assessor reported that the subject which backs to the forest preserve is one of 34 upscale homes which were built separately from the adjoining Cress Creek Subdivision. The assessor provided information on four comparable sales, where comparables #1, #2 and #3 were the same properties as appraisal comparables #4, #2 and #1, respectively. Each of these properties is located on the same street as the subject property and are improved with two-story dwellings of frame and masonry construction that range in size from 3,889 to 5,134 square feet of living area. The dwellings were constructed from 1988 to 1996. Features of the comparables include a full basement, three of which have finished area. Each home has central air conditioning, a fireplace and a three-car garage. Each comparable has the same neighborhood code as the subject property and comparables #1 and #4 have "park" site descriptions like the subject. These four comparables sold from September 2009 to August 2011<sup>4</sup> for prices ranging from \$700,000 to \$930,000 or from \$181.14 to \$216.17 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 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,

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<sup>4</sup> The August 2011 sale reported by the assessor was reported by the appellant's appraiser as having occurred in September 2011 which the assessor noted as being too distant from the assessment date of January 1, 2011.

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

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 sales comparison approach to value and the sales utilized by the appraiser were similar to the subject in location, size, style, exterior construction, features, age and land area. These properties also sold most proximate in time to the assessment date at issue. The appraised value of \$725,000 is below the market value reflected by the assessment of \$869,563. Furthermore, the appraised value is well-supported by board of review sales #1, #2 and #3 giving due consideration to differences in age and dwelling size.

Less weight was given the comparable sale #4 presented by the board of review due to differences from the subject in size and the date of sale in September 2009 not being as proximate in time to the assessment date at issue of January 1, 2011.

Based on this record the Board finds the subject property is overvalued 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.