



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

APPELLANT: Todd Miller  
DOCKET NO.: 11-01812.001-R-1  
PARCEL NO.: 03-15-127-037

The parties of record before the Property Tax Appeal Board are Todd Miller, the appellant, by attorney Daniel A. Macahon of Daniel A. Macahon & Associates, in Wood Dale, 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:** \$84,990  
**IMPR:** \$76,830  
**TOTAL:** \$161,820

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of brick/dryvit/stone construction containing approximately 3,628 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full basement,<sup>1</sup> central air conditioning, a fireplace and a two-car garage of 484 square feet. The property has a 12,900 square foot site and is located in Wood Dale, Addison 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 \$475,000 as of October 31, 2011. The appraisal was prepared by Todd Berg, a State of Illinois certified real estate appraiser. In estimating the market value of the subject property the appraiser developed the cost and the sales comparison approaches to value.

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<sup>1</sup> The appellant's appraiser reported the basement was 80% finished, although the assessing officials reported the basement was unfinished.

Under the cost approach the appraiser estimated the subject had a site value of \$100,000 based on review of any applicable land sales along with "site/value rations [*sic*]." The appraiser estimated the replacement cost new of the improvements to be \$505,093 based on the National Building Cost Manual, local cost data and the appraiser's files. The appraiser estimated depreciation to be \$20,204 using the age/economic life method resulting in a depreciated improvement value of \$484,889. The appraiser provided no estimate for site improvements. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$584,900, rounded, under the cost approach to value.

Using the sales comparison approach the appraiser provided information on three comparable sales and one listing located from .07 to 1.44-miles from the subject property. The comparables are described as two-story dwellings that range in size from 3,583 to 4,250 square feet of living area. The dwellings are each 5 or 6 years old. Features of the comparables include a full basement, one of which is finished. Each home has central air conditioning and a two-car garage or a three-car garage. Three of the comparables also have a fireplace. The comparables have sites ranging in size from 6,206 to 14,378 square feet of land area. Three of the comparables sold from February to August 2011 for prices ranging from \$515,000 to \$549,700 or from \$122.35 to \$150.60 per square foot of living area, including land. Comparable #4 had an asking price of \$449,000 or \$120.09 per square foot of living area, including land, and the appraiser noted this property may be for sale due to divorce which "would explain why this home is priced below market value and is under contract in less than 30 days."

After making adjustments to the comparables for date of sale/time and differences from the subject in room count, dwelling size, basement finish, garage spaces and/or number of fireplaces, the appraiser estimated the comparables had adjusted prices ranging from \$418,180 to \$533,100 or from \$98.40 to \$146.05 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 \$475,000 or \$130.93 per square foot of living area, including land.

In reconciling the two approaches to value the appraiser estimated the subject property had a market value of \$475,000 as of October 31, 2011.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$161,820 which would reflect a market value of approximately \$485,460.

The board of review submitted its "Board of Review Notes on Appeals" wherein the subject's total assessment of \$213,420 was disclosed. The subject's assessment reflects a market value of \$643,800 or \$177.45 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.

The board of review submitted its Addendum to Board of Review Notes on Appeal along with Exhibit #1. In the addendum, the board of review noted that the appellant's appraisal was prepared for a mortgage finance transaction and that the "appraisal is not an opinion of the Ad Valorem Assessment value."

Exhibit #1 consists of a spreadsheet prepared by the Addison Township Assessor's Office reiterating the four comparables in the appraisal and presenting five "assessor's comparables." As to the appraiser's comparables for #1 there is a handwritten notation "no sale recorded" and for comparables #1 and #3 there is a remark that these properties are "out of neighborhood" which was supported by a map that depicts these two properties as most distant from the subject.

The five sales presented to support the subject's assessment consist of two-story dwellings of brick construction that range in size from 2,466 to 5,976 square feet of living area. The dwellings were constructed from 2001 to 2008. Features of the comparables include a full basement, central air conditioning, one or two fireplaces and a garage ranging in size from 620 to 1,056 square feet of building area. Three of the sale comparables have the same neighborhood code as the subject property. These five comparables sold from May 2008 to May 2011 for prices ranging from \$412,000 to \$1,200,000 or from \$152.60 to \$200.80 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, 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 cost and sales comparison approaches to value and gave most weight to the sales comparison approach. The sales utilized by the appraiser were similar to

the subject in size, style, exterior construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue or was listed in a time close to the assessment date and had well-explained adjustments for date of sale/time and reason for the asking price. Moreover, the appraised value of \$475,000 is below the market value reflected by the assessment of \$643,800. The appraiser's estimated market value for the subject dwelling of \$130.93 per square foot of living area, including land, is also well-supported by the most similar comparable #2 presented by the board of review which sold in September 2009 for \$152.60 per square foot of living area, including land.

Less weight was given to the remaining comparable sales presented by the board of review in that comparables #4 and #5 sold in May and August 2008, dates too distant in time to the assessment date of January 1, 2011 to be indicative of the subject's estimated market value. The Board also gave less weight to board of review comparables #1 and #3 as these homes each differed substantially in size from the subject by containing 5,976 and 2,466 square feet of living area, respectively, whereas the subject dwelling contains 3,628 square feet of living area.

Based on this record the appellant has established that the subject property was 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.