



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

APPELLANT: Matthew Kurian
DOCKET NO.: 11-02188.001-R-1
PARCEL NO.: 09-28-204-002

The parties of record before the Property Tax Appeal Board are Matthew Kurian, the appellant, by attorney Mitchell L. Klein of Schiller Klein, PC, in Chicago, and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$40,060
IMPR.: \$51,870
TOTAL: \$91,930**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story¹ single-family dwelling of frame and brick construction containing 1,350 square feet of living area. The dwelling was constructed in 1970. Features of the home include a partial basement with finished area, central air conditioning and a 548 square foot garage. The property has a 10,506 square foot site and is located in Darien, Downers Grove Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted information on three comparable sales located in either GB3 or GB6 neighborhood codes as assigned by the assessor whereas the subject is located in the GB4 neighborhood code. The appellant's submission fails to reveal the proximity of these properties to the subject in relation to these respective neighborhood code. The comparables are described as one-story dwellings of brick or frame and brick

¹ In a memorandum, the board of review described the subject as a bi-level dwelling although the grid analysis and applicable property record card for the subject both describe the home as "one story."

construction that contain either 1,300 or 1,815 square feet of living area. The dwellings were constructed in 1969 or 1974. Features of the comparables include a partial basement with finished area, central air conditioning and a garage of either 504 or 546 square feet of building area. The comparables sold in March or August 2010 for prices ranging from \$220,000 to \$299,000 or from \$164.74 to \$190.77 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$78,703 which would reflect a market value of approximately \$236,109 or \$174.90 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$91,930 was disclosed. The subject's assessment reflects a market value of \$277,315 or \$205.42 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.

In a memorandum, the board of review asserted that appellant's comparable #2 was a foreclosure and the assessing officials have made efforts to inspect that property and ascertain its current condition since the foreclosure sale in March 2010. It was also noted that appellant's comparable #3 was larger than the subject dwelling.

The board of review presented information on three comparable sales, where board of review comparable #3 and appellant's comparable #1 are the same property. The three comparables are improved with one-story dwellings of frame and masonry construction that contain either 1,300 or 1,350 square feet of living area. The dwellings were constructed in 1969 or 1970. Comparable #2 has the same neighborhood code as the subject property assigned by the assessor. Features of the comparables include a partial basement, one of which includes finished area. One of the comparables has a fireplace and each has a garage of either 650 or 675 square feet of building area. The comparables have sites ranging in size from 10,164 to 11,147 square feet of land area. The comparables sold from May to September 2010 for prices ranging from \$248,000 to \$318,500 or from \$191 to \$236 per square foot of living area, including land, rounded.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 not 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 (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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of five comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #3 due to its larger dwelling size when compared to the subject home. The Board finds the remaining four comparables presented by both parties were substantially similar to the subject in size, style, exterior construction, features, age and/or land area. Although the board of review criticized appellant's comparable #2 as being a foreclosure, the Property Tax Appeal Board finds that as of 2011 the legislature has mandated consideration of sales that are classified as "foreclosures." Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 of the Property Tax Code provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

Furthermore, the Property Tax Appeal Board finds the effective date of these statutes is relevant to the assessment date at issue of January 1, 2011.

The four most similar comparables sold for prices ranging from \$220,000 to \$318,500 or from \$169 to \$236 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$277,315 or \$205.42 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on the preponderance of the evidence in the record, the subject's estimated market value of \$205 per square foot is supported.

In conclusion, the Property Tax Appeal Board finds that the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is not 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy 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: February 21, 2014

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.