FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Patrick & Maryann Smith
DOCKET NO.: 11-02198.001-R-1 through 11-02198.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Patrick & Maryann Smith, the appellants, by attorney Patrick J. Smith of The Law Office of Patrick J. Smith, in Downers Grove, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
11-02198.001-R-1	09-08-208-006	19,280	0	$19,280
11-02198.002-R-1	09-08-208-007	37,700	200,330	$238,030

Subject only to the State multiplier as applicable.

ANALYSIS

The initial issue in this matter concerns the dwelling size of the subject home. The appellants' appraiser reported a dwelling size of 2,905 square feet of living area and included a schematic drawing that lacks any area above the garage. Additionally, as part of the visual inspection, the appellants' appraiser reported that he "did not observe the attic." The board of review reported a dwelling size of 3,791 square feet and reported that the dwelling had been re-measured in November 2008. The board of review reports living area above the subject's garage. The board of review provided a detailed schematic that was dated as of the last inspection. The appellants filed no rebuttal evidence to dispute the assertions of the assessing officials regarding the subject's dwelling size. Based upon the evidence of record, the Property Tax

Appeal Board finds the board of review presented the best evidence of the subject's dwelling size.

The subject property is improved with a part two-story and part one-story single-family dwelling of frame exterior construction containing 3,791 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full unfinished basement, central air conditioning, a fireplace, a three-season porch and an attached 1,126 square foot garage. The subject property consists of two parcels, one of which is vacant, with a total land area of approximately 8,750 square feet. The property is located in Downers Grove, Downers Grove Township, DuPage County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of $635,000 as of December 31, 2009. The appraisal was prepared by Jeff Wakeland, a State of Illinois Certified Associate Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value.

As part of the report, the appraiser noted that the subject's "tandem garage" (described as a four-car garage) "utility is extremely unique for the market area."

For the sales comparison approach, the appraiser provided information on seven comparable sales located from .09 to .31 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 2,542 to 3,124 square feet of living area. The dwellings were 3 to 13 years old. Features of the comparables include a full or partial basement, two of which have finished areas. Each home has central air conditioning, a fireplace and a two-car garage, either attached or detached. The comparables have sites ranging in size from 6,250 to 8,300 square feet of land area. The comparables sold from July 2007 to August 2009 for prices ranging from $590,000 to $740,000 or from $188.86 to $255.70 per square foot of living area, including land.

After making adjustments to the comparables for date of sale/time to comparables #3 through #7 and/or for differences from the subject in room count, gross living area, basement size, rooms below grade, garage size and/or other amenities, the appraiser estimated the comparables had adjusted prices ranging from $601,860 to $700,000 or from $192.66 to $244.02 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 $635,000 or $218.59 per square foot of living area, including land, based upon Wakeland's size determination for the subject of 2,905 square feet. The appraiser further wrote that the final value opinion was selected from the range of adjusted values "as it is supported by three of the seven comparables used in this report and is very near the other four Comparables." It is further noted that based upon the dwelling size of 3,791 square feet as determined in this matter, Wakeland's opinion of the subject's estimated market value reflects a value of $167.50 per square foot of living area, including land.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect a market value of approximately $595,220.

The board of review submitted its "Board of Review Notes on Appeals." The subject's total assessment is $257,310 for both parcels which reflects a market value of $776,199 or $204.75 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 support of the subject's assessment the board of review submitted a limited spreadsheet analysis of five comparable sales. Each of the comparables has the same neighborhood code assigned by the assessor as the subject improved parcel. A map submitted with the evidence depicts that both parties' comparables are scattered roughly an equal distance around the subject property. These five comparable sales presented by the board of review are improved with 3 part two-story, part three-story and part one-story dwellings and 2 part two-story and part one-story dwellings. Each of comparables have frame exterior construction and range in size from 3,258 to 4,056 square feet of living area. The dwellings were constructed from 2005 to 2009. Features of the comparables include a full or partial basement, three of which include finished area. Each home has one to three fireplaces and a garage ranging in size from 500 to 637 square feet of building area. The comparables have sites ranging in size from 6,813 to 13,200 square feet of land area. These five comparables sold from January 2010 to January 2011 for prices ranging from $715,000 to $960,000 or from $195 to $237 per square foot of living area, including land, rounded.

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 not warranted.

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

After finding the appellants' appraiser's dwelling size determination to be seriously in error by reducing the actual dwelling size of the subject by approximately 890 square feet of living area, the Property Tax Appeal Board finds the entire appellants' appraisal is fatally flawed in the analysis of comparable data and in the resulting value conclusion. First, the appraiser's analysis and selection of comparable sales considers purportedly comparable dwellings that are substantially smaller than the subject. The subject has an actual dwelling size of 3,791 square feet. For purposes of this report, Wakeland selected comparables which range in size from 2,542 to 3,124 square feet of living area. Thus each of the appraiser's chosen comparables are substantially smaller than the subject dwelling. In adjusting for dwelling size differences, Wakeland made upward dwelling size adjustments only to comparables #6 and #7 and made a downward dwelling size adjustment to comparable #1 which contains 3,124 square feet of living area. The Board finds the appellants' appraiser's value conclusion is thus not a reliable or credible indicator of the subject's market value in light of the subject's actual dwelling size of 3,791 square feet. Furthermore, none of Wakeland's dwelling size adjustments is supportable on this record. In summary, having erroneously analyzed the subject's living area square footage, the remainder of Wakeland's comparable sales

approach analysis is similarly fatally flawed and results in an unreliable and unsupportable value conclusion.

Having found the appraisal's value conclusion to be unreliable, the Board would next look to the raw sales data within the appraisal report for support for the appellants' overvaluation contention. The Board finds the sales in the appraisal are not proximate to the assessment date having occurred from July 2007 to August 2009. In addition, the dwelling size and/or age differences between the subject and the reported appraisal comparables are simply too significant to provide any valid support to the appellants' overvaluation argument.

The Board has given reduced weight to board of review comparable #5 due to to the difference in dwelling size when compared to the subject home.

The Board finds the best evidence of the subject's estimated market value in the record to be board of review comparable sales #1 through #4. These comparables are similar to the subject in location, size, style, exterior construction, features and age. These properties also sold June 2010, July 2010 and January 2011 which are dates that are proximate in time to the assessment date at issue of January 1, 2011. Due to the similarities to the subject, these comparables received the most weight in the Board's analysis. Board of review comparables #1 through #4 sold for prices ranging from $715,000 to $960,000 or from $195 to $237 per square foot of living area, including land, rounded. The subject's total assessment reflects a market value of $776,199 or $204.75 per square foot of living area, including land, which is within the range of prices reflected by the best comparable sales in this record. After considering these most comparable sales, the Board finds the appellants did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

In conclusion based on this record, the Board finds the appellants 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.

Chairman

Member

Member

Member

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: April 18, 2014

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.