



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

APPELLANT: Russell & Jody Knister  
DOCKET NO.: 11-02601.001-R-1  
PARCEL NO.: 09-10-202-019

The parties of record before the Property Tax Appeal Board are Russell & Jody Knister, the appellants, by attorney George J. Relias of Enterprise Law Group, LLP, 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:       \$90,720**  
**IMPR.:      \$201,000**  
**TOTAL:     \$291,720**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single family dwelling of brick and frame construction that contains 3,237 square feet of living area.<sup>1</sup> The dwelling is approximately 17 years old. Features of the home include a full finished basement, central air conditioning, one fireplace and a three-car attached garage. The property has a 13,950 square foot site and is located in Clarendon Hills, Downers Grove Township, DuPage County.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. In

---

<sup>1</sup> The appellants' appraiser reported a dwelling size of 3,237 square feet supported by a detailed schematic of both floors of the home. The board of review reported a dwelling size of 3,060 square feet of living area with a copy of the subject's property record card with a single footprint schematic. The Board finds the appellants provided the best evidence of the subject's dwelling size for this appeal.

support of this overvaluation argument the appellants submitted an appraisal estimating the subject property had a market value of \$880,000 as of July 22, 2010. The appraisal was prepared by Karen Boivin, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the cost and the sales comparison approaches to value.

Under the cost approach the appraiser estimated the subject had a site value of \$350,000 using sales of similar site and/or the extraction method of developed sites. The appraiser estimated the replacement cost new of the improvements to be \$589,360. The appraiser estimated physical depreciation to be \$47,149 resulting in a depreciated improvement value of \$542,211. The appraiser also estimated the site improvements had a value of \$10,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$902,211 under the cost approach to value.

Using the sales comparison approach the appraiser provided information on three comparable sales and two active listings. The comparables were located from .08 to .56 of a mile from the subject. The comparables are described as two-story dwellings of frame and masonry construction that range in size from 2,831 to 4,000 square feet of living area. The dwellings were 6 to 16 years old. Features of the comparables include a full basement, four of which have finished area. Each home has central air conditioning, one or two fireplaces and a two-car to a four-car garage. The comparables have sites ranging in size from 9,000 to 11,400 square feet of land area. Three of these comparables sold from March 2010 to June 2010 for prices ranging from \$780,000 to \$990,000 or from \$247.50 to \$276.13 per square foot of living area, including land. Comparables #4 and #5 had asking prices of \$949,500 and \$949,900, respectively, or \$272.69 and \$334.94 per square foot of living area, including land. After making adjustments for date of sale/time and/or making adjustments to the comparables for differences from the subject in site, age, gross living area, room count, rooms below grade, garage and/or fireplaces, the appraiser estimated the comparables had adjusted prices ranging from \$792,210 to \$951,295 or from \$237.82 to \$325.79 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 \$880,000 or \$271.86 per square foot of living area, including land.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to value as it reflects current economic conditions and market reactions. Therefore, the appraiser estimated the subject property had a market value of \$880,000 as of July 22, 2010. 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 \$304,570 was disclosed. The subject's assessment reflects a market value of \$918,763 or \$283.83 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 response to the appeal, the board of review submitted a one-page memorandum noting the subject's appraisal was prepared for a refinance transaction and cited various differences between the comparables in the appraisal for dwelling size, design and/or land size as compared to the subject. A map submitted by the board of review reveals the location of the subject and both parties' comparables depicting the properties all scattered around the subject.

In support of the subject's estimated market value, the board of review submitted a limited spreadsheet with information on five comparable sales located from .26 to 1.54-miles from the subject property. The comparables are improved with part two-story and part one-story dwellings of masonry or frame construction that range in size from 3,046 to 3,555 square feet of living area. The dwellings were constructed from 1998 to 2009. Features of the comparables include a full basement, three of which have finished area. Each home has one to four fireplaces and a garage ranging in size from 399 to 576 square feet of building area. The comparables have sites ranging in size from 7,930 to 11,400 square feet of land area. Four of the comparables have the same neighborhood code of CE5 as the subject property. The comparables sold from June 2009 to November 2010 for prices ranging from \$967,500 to \$1,225,000 or from \$291 to \$360 per square foot of living area, including land, rounded. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellants argued that the appellants' appraiser adjusted the comparables for several characteristics when compared to the subject property whereas

the board of review's comparables lack any adjustments for differences. Counsel also contended that the appraiser's comparables are closer in proximity to the subject property.

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 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 (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 appellants 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 appellants. The appellants' 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 had similarities to the subject in location, size, style, exterior construction, features, age and/or land area with adjustments for various differences. These properties also sold proximate in time to the assessment date at issue of January 1, 2011. The appraised value of \$880,000 is below the market value reflected by the assessment of \$918,763. Less weight was given to the comparable sales presented by the board of review due to differences from the subject in age and/or dwelling size when compared to the subject. In addition, the Board finds that for comparables #1 and #2 by the board of review the dates of sale are not as proximate in time to the assessment date at issue. The Board also finds that comparable #5 was newly constructed in 2009 and sold in July 2010, presumably as new construction and thus differs from the subject dwelling that was built in 1994.

Based on this record the Board finds the subject property had a market value of \$880,000 as of January 1, 2011. Since market value has been determined the 2011 three year average median level of assessment for DuPage County of 33.15% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).



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

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: April 18, 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.