



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

APPELLANT: Daniel Streckert
DOCKET NO.: 11-02763.001-R-1
PARCEL NO.: 09-01-116-023

The parties of record before the Property Tax Appeal Board are Daniel Streckert, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C., in Des Plaines, 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: \$158,350
IMPR: \$504,650
TOTAL: \$663,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a part three-story, part two-story and part one-story dwelling of brick and stucco construction with approximately 5,987 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full basement with finished area, central air

conditioning, four fireplaces and an attached three-car garage. The property has an approximately 21,349 square foot site and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$2,000,000 as of January 1, 2010 and also submitted one additional sale for \$2,000,000 which sold in September 2010 which the appellant argues supports the appraised value conclusion. As to the subject property, the appraiser noted the home suffers from external obsolescence due to its proximity to Ogden Avenue, a busy thoroughfare, and the resultant higher levels of traffic noise.

Based on this evidence, the appellant requested an assessment reduction reflective of the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$722,330. The subject's assessment reflects a market value of \$2,178,974 or \$363.95 per square foot of living area, land included, when using 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 Downers Grove Township Assessor questioned the location adjustments of several of the appraisal comparables and questioned the condition adjustment of appraisal comparable #1. Next, the township assessor outlined adjustments to the appraisal comparables based on the assessor's cost approach to value for features like brick exterior construction. The township assessor also included a spreadsheet of appellant's sale and the appraisal comparables.

In support of its contention of the correct assessment the board of review through the Downers Grove Township Assessor submitted information on three comparables sales located in the same neighborhood code assigned by the assessor as the subject property. These comparables sold between June 2009 and August 2010 for prices ranging from \$2,300,000 to \$2,500,000 or from \$409 to \$423 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 rebuttal, counsel for the appellant argued that the board of review's sales lacked any documentary evidence to confirm the sales were correct or relevant.

As to board of review comparable sale #1, the appellant's counsel contends that financing for less than the purchase price was obtained and the property was listed for only 43 days which raises questions as to the exposure time. This property is also superior to the subject in number of bathrooms and full finished basement.

As to board of review comparable #2, appellant's counsel was unable to find any information regarding the property being listed on the open market thus raising questions as to the arm's length nature of the reported sale transaction.

As to board of review comparable #3, the appellant contends the listing expired in June 2010, but the listing data fails to reflect the sale that occurred reportedly in January 2010. In the absence of broker involvement in the sale transaction, the appellant contends the arm's length nature of the sale transaction is unknown and moreover, this property is superior to the subject in age having been only two years old at the time of sale and having a fully finished basement as compared to the subject's partially finished basement.

Lastly, the appellant requested that judicial notice be taken of a reduction to the 2012 assessment of the subject property for \$678,270.

Conclusion of Law

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. 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 appellant's sale from September 2010 for \$2,000,000 along with board of review comparables #1 and #3. These three comparables sold for prices ranging from \$2,000,000 to \$2,500,000 or from

\$336 to \$423 per square foot of living area, including land, rounded. The subject's assessment of \$722,330 reflects a market value of \$2,178,974 or \$363.95 per square foot of living area, including land, which is within the range of the best comparable sales in the record.

The Supreme Court of Illinois in Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 229 Ill. Dec. 487, 692 N.E.2d 260 (1998), set forth the basic tenets of the Illinois Constitution's uniformity clause requirement as it relates to the assessment and taxation of real estate. The court stated that:

The Illinois property tax scheme is grounded in article IX, section 4, of the Illinois Constitution of 1970, which provides in pertinent part that real estate taxes "shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill.Const.1970, art. IX, §4(a). Uniformity requires equality in the burden of taxation. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1, 20, 136 Ill. Dec. 76, 544 N.E.2d 762 (1989). This, in turn, requires equality of taxation in proportion to the value of property being taxed. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 401, 169 N.E.2d 769 (1960). Thus, taxing officials may not value the same kinds of properties within the same taxing boundary at different proportions of their true value. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill. 2d at 20, 136 Ill. Dec. 76, 544 N.E.2d 762 (1989). The party objecting to an assessment on lack of uniformity grounds bears the burden of proving the disparity by clear and convincing evidence. . . Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill. 2d at 22, 136 Ill. Dec. 76, 544 N.E.2d 762 (1989).

Walsh v. Property Tax Appeal Board, 181 Ill. 2d at 234, 229 Ill. Dec. 487, 692 N.E.2d 260 (1998). The uniform assessment requirement mandates that property not be assessed at a substantially greater proportion of its value when compared to similar properties located within the taxing district. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill. 2d at 21, 136 Ill. Dec. 76, 544 N.E.2d 762 (1989).

In this appeal the appellant contends the subject property is overvalued. To support this contention, the appellant submitted

data on one comparable sale for \$2,000,000 and an appraisal of the subject property with an estimated market value of \$2,000,000 as of January 1, 2010. With the exception of the appellant's sale for \$2,000,000, the Board finds that board of review comparables #1 and #3, which sold recently for \$2,300,000 and \$2,500,000, have assessment ratios of .2812 and .2620, respectively, and total assessments of \$646,860 and \$654,970. These two total assessments are less than the subject despite the higher market values based upon the recent sale data.

The supreme court in Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill. 2d at 401) The court in Apex Motor Fuel further stated:

the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test.[citation.] Apex Motor Fuel, 20 Ill. 2d at 401.

In this context, the Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill. 2d at 21. The Board finds the most similar comparables on this record sold for prices ranging from \$2,000,000 to \$2,500,000 or from \$336 to \$423 per square foot of living area, including land, rounded, and these properties had total assessments ranging from \$646,860 to \$666,600, while the subject which was appraised as of January 1, 2010 for \$2,000,000

or \$334.06 per square foot of living area, including land, had a total assessment of \$722,330, higher than the assessments of any of the similar comparables which recently sold.

After an analysis of this data, the Property Tax Appeal Board finds the subject property's assessment appears to be excessive and disproportionate in relation to the best comparables in the record. In conclusion the Property Tax Appeal Board finds a reduction in the subject's assessment 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.



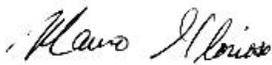
Chairman



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: August 22, 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.