



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

APPELLANT: Matthew & Eleanor McNear
DOCKET NO.: 11-02783.001-R-1
PARCEL NO.: 05-15-128-060

The parties of record before the Property Tax Appeal Board are Matthew & Eleanor McNear, the appellants, 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: \$19,326
IMPR: \$127,549
TOTAL: \$146,875

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story dwelling of frame construction with 2,400 square feet of living area. The dwelling was constructed in 1995. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a two-car garage. The property has a 7,428 square

foot site and is located in Wheaton, Milton Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on three comparable sales located within five blocks of the subject property.

In a brief submitted with the appeal, the appellants acknowledge that each of the comparables sold "subsequent to the steep decline in home values" are newer construction, of superior or equal construction quality, and are "within an average of three blocks of the Subject." The appellants further report that the subject property was listed for sale less than six months prior to the assessment date of January 1, 2011 for \$450,000 and no offers or other expressions of interest were received "at this or any price level."

Next, the appellants further support their assessment request with an analysis of the Case-Shiller home price index for the Chicago MSA to the original purchase price of the subject in 2001. Given this analysis, the appellants contend the original purchase price increases for the past ten years would result in an assessment of \$111,224.

Based on this evidence, arguments and an average of the sale prices per square foot, the appellants requested a total assessment of \$100,000 which would reflect a market value of approximately \$300,000 or \$125.00 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$146,875. The subject's assessment reflects a market value of \$443,062 or \$184.61 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.

As to the appellants' comparable sales, the board of review contended that sale #1 was a "foreclosure and was excluded from the sales ratio study." Moreover, each of the appellants' comparables are located "in the new tear down neighborhood [code] 068a; however, the subject property was built in 1995 and is in 068 the old neighborhood [code]."

In support of its contention of the correct assessment the board of review submitted information on three comparables sales located in neighborhood code 068 like the subject.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

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. 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.

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #1 and #3 and to board of review comparables A and C as these dwellings differ in size and/or age from the subject property.

The Board finds the best evidence of market value to be appellant's comparable sale #2 and board of review comparable sale B. These two most similar comparables were built in 1950 and 2009. The homes contain 2,468 and 3,172 square feet of living area and sold in January 2010 and March 2011 for prices of \$141.87 and \$183.36 per square foot of living area, including land. The subject's assessment reflects a market value of \$443,062 or \$184.61 per square foot of living area, including land, which is slightly above the best comparable sales in this record on a per-square-foot basis, but appears justified given the subject's newer age, having been constructed in 1995, and fireplace amenity that is not present in board of review comparable B. After considering these two most comparable sales, the Board finds the appellants did not demonstrate that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment is not 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.

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: August 22, 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.