



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

APPELLANT: Matthew & Eleanor McNear  
DOCKET NO.: 11-02787.001-R-1  
PARCEL NO.: 05-15-125-009

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 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:** \$29,216  
**IMPR:** \$176,874  
**TOTAL:** \$206,090

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 two-story dwelling of frame construction with 3,657 square feet of living area. The dwelling was constructed in 2000. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage. The property has a 21,560

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."

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 2008. Given this analysis, the appellants contend the original purchase price decreases for the past three years as applied to the 2010 assessment would result in an assessment of \$169,214.

Based on this evidence, arguments and an average of the sale prices per square foot, the appellants requested a total assessment of \$166,666 which would reflect a market value of approximately \$500,000 or \$136.72 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 \$224,332. The subject's assessment reflects a market value of \$676,718 or \$185.05 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." Furthermore, both parties reported that the subject last sold in February 2008 for \$725,000.

In support of its contention of the correct assessment the board of review submitted information on three comparables sales. 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 met this burden of proof and a reduction in the subject's assessment is 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 appellants' comparable #2 and to board of review comparable A as these dwellings were substantially smaller than the subject and were built in 2009 and 2010, being the newest of the six suggested comparables.

As to the contention that appellants' sale #1 was a foreclosure, the Property Tax Appeal Board takes judicial notice that 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 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.

The Board finds the effective date of these statutes is applicable to assessment date at issue, January 1, 2011.

Despite the fact that each of the remaining suggested comparables is newer than the subject and has more bathrooms

than the subject, the Board finds the best evidence of market value to be appellants' comparable sales #1 and #3 along with board of review comparable sales B and C. These four most similar comparables were built in 2007 and 2008 and range in size from 3,509 to 3,615 square feet of living area. These three homes sold for prices ranging from \$114.01 to \$193.64 per square foot of living area, including land. The subject's assessment reflects a market value of \$676,718 or \$185.05 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but does not appear justified given the subject's date of construction in 2000, its 2.5 bathrooms, one fireplace and unfinished basement when compared to these four comparables. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds a reduction in the subject's assessment is 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: 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.