



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

APPELLANT: Kishore Belani  
DOCKET NO.: 11-02790.001-R-1  
PARCEL NO.: 07-30-301-014

The parties of record before the Property Tax Appeal Board are Kishore Belani, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd., in Chicago, 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: \$15,270  
IMPR: \$134,730  
TOTAL: \$150,000**

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 split-level (part one-story and part two-story) dwelling of frame and brick construction with 3,757 square feet of living area. The dwelling was constructed in 1989. Features of the home include a basement with finished area, central air conditioning, a fireplace, an

attached three-car garage and an enclosed porch with an "indoor" in-ground pool. The property has an approximately 12,114 square foot site and is located in Aurora, Naperville 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 \$412,500 as of January 1, 2011.

The appraiser performed the sales comparison approach to value and analyzed five sales located within .90 of a mile of the subject property (radius). Each of the comparables is described as having a residential, nature area view or a residential, pond view. The comparable dwellings range in age from 12 to 19 years old and range in size from 3,215 to 3,496 square feet of living area. Each home has a basement with finished area, central air conditioning, one or two fireplaces and a two-car or a three-car garage. These properties sold between May 2009 and June 2010 for prices ranging from \$337,000 to \$457,500 or from \$104.76 to \$142.30 per square foot of living area, including land. After adjustments, the appraiser opined adjusted sales prices for the comparables ranging from \$387,500 to \$439,500. As part of the addendum of the appraisal report, the appraiser explained the adjustments for sales concessions for comparable #5 and downward adjustments for sales #1, #2, #4 and #5 for time of sale "as the market climate is on the decline" as shown in multiple listing service statistics. Additionally, adjustments for age, condition, bath count and/or some other differences were further described in the addendum.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$150,000. The subject's assessment reflects a market value of \$452,489 or \$120.44 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 part of the response, the board of review noted that the subject dwelling is large for the area and "is the largest home in the Lakewood subdivision." Sales comparables presented in the appraisal report are from outside of the subject's neighborhood code as assigned by the assessor. The sales are

from 2009 and 2010 with each dwelling being smaller than the subject with smaller basements and smaller garages. "All sales lack the subject's 1,508 sq. ft. enclosed and year round use 'porch'" with an in-ground pool. None of the comparables have an in-ground pool. Only the subject and sales comparables #1, #3 and #4 back to an open area.

The board of review contended that downward adjustments for condition to appraisal sales #2, #3 and #4 were not explained. While no size adjustment was made to comparable sale #1 in the appraisal, the other comparables had a conservative adjustment of \$30 per square foot "for the market." Similarly the garage size adjustment for two of the comparables "appears to be conservative for that market." Finally, the appraiser porch/pool adjustment of around \$5,000 was "to say the least, conservative."

In support of its contention of the correct assessment the board of review submitted information on five comparables sales where comparable #2 was the same property as appraisal sale #3. The board of review stated "[t]here were no sales of similar size as the subject in the subject neighborhood. Therefore, sales are taken from a nearby competitive neighborhood code that are closer in size." While all of these comparables have a basement, two of the comparables include basement finish, each comparable has a smaller garage and none of the comparables have a 1,508 square foot enclosed porch and/or an in-ground pool. Two of these comparables back to open area like the subject.

In rebuttal, counsel for the appellant argued that the board of review's submission consists of raw unadjusted sales. The submission lacks adjustments for differences in sale conditions, financing, market conditions, location, age, building condition, size and/or other amenities. Moreover, even though the board of review noted that appraiser's comparables were not in the subject's neighborhood, the board of review submitted comparables that "are a further distance from the subject." To establish this contention, counsel included data with driving directions from the subject to five of the six comparables that exceed one-mile in travel distance, which includes appraiser's sale #3 which was presented by the board of review as sale #2. Counsel then contended that all of the appraiser's comparables, except #1, were "less than .40 miles from the subject."

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

The Property Tax Appeal Board finds that the appellant's appraisal is not a credible or reliable indicator of value for the subject property. While the appraiser discussed many of the appraisal adjustments between the comparables and the subject, one of the most significant adjustments concerning the lack of an indoor in-ground swimming pool with an enclosed porch was not discussed by the appraiser with any detail. The final value conclusion of slightly more than \$109 per square foot of living area, including land, is not well-supported by the comparables presented in the appraisal report, particularly given that none of the comparables has the pool/enclosed porch feature.

The Board finds the best evidence of market value to be appraisal sale #3 along with board of review comparable sales #1 and #2 where there is one common property. These most comparable homes contain 3,215 and 3,260. The homes were built in 1996 and 1998. These homes also have basements, at least one of which has finished area. These comparables sold for prices of \$130.36 and \$142.30 per square foot of living area, including land. Neither of these comparables has a large enclosed porch with an in-ground pool. The subject's assessment reflects a market value of \$452,489 or \$120.44 per square foot of living area, including land, which is below the best comparable sales in the record that lack a feature which the subject has. In addition, while the subject is larger than these comparables, accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases.

Based on this evidence and analysis, the Board finds 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.

*Ronald R. Cuit*

Chairman

*K. L. Fen*

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.