



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

APPELLANT: Thomas Knight
DOCKET NO.: 11-03074.001-R-1
PARCEL NO.: 03-15-308-084

The parties of record before the Property Tax Appeal Board are Thomas Knight, 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: \$51,440
IMPR: \$77,850
TOTAL: \$129,290

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 brick and frame construction with 2,793 square feet of living area with an additional 967 square feet of living area in an apartment over the garage. The dwelling was constructed in 1978. Features of the home include a full unfinished basement,

central air conditioning, two fireplaces¹ and a 967 square foot garage. The property has a 42,370 square foot site and is located in Wood Dale, Addison 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 \$390,000 as of January 1, 2011. The appraiser opined that the subject dwelling suffers from functional obsolescence as it has only two bedrooms. In addition, the back yard floods causing numerous problems with trees dying prematurely; water was present at the time of inspection. As part of the sales comparison approach to value, the appellant's appraiser adjusted the "garage" amenity of each of the comparables upward by \$30,000 to account for difference in garage size and the "finish above" the garage. After all adjustments the three comparable sales had adjusted sales prices ranging from \$377,000 to \$401,500. Based on this evidence, the appellant requested a total assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$169,930. The subject's assessment reflects a market value of \$512,609 or \$183.53 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.

The board of review made no substantive analysis of or critique of the appellant's appraisal report. In a spreadsheet, the board of review through the township assessor reiterated the three sales contained within the appraisal report and noted that sale #3 was in a different town, "tax code, schools, etc." Additionally, it was noted that the subject has a -10% land adjustment for "drainage issue."

In support of its contention of the correct assessment the board of review submitted information on five comparable sales that sold between July 2008 and September 2010. A notation on the spreadsheet asserts that "all comps attend same high school" and "none of the comps have a rental unit on the property." Based on this evidence, the board of review requested confirmation of the subject's assessment.

¹ The assessing officials report only one fireplace, but the appellant and the appellant's appraiser reported two fireplaces.

In rebuttal, counsel for the appellant contended that the board of review's submission consists of raw/unconfirmed sales data with no documentation and no adjustments for differences from the subject property. Additionally, several of the board of review's sales were dated and thus less likely to be indicative of the subject's market value as of January 1, 2011 whereas the sales in the appraisal report occurred more proximate to the assessment date. Furthermore, the board of review's suggested comparable sales include newer dwellings as compared to the subject that was built in 1978.

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 the appraisal submitted by the appellant with an estimated market value of \$390,000 as of January 1, 2011. Additionally, the most similar board of review comparable sales #2 and #3 sold in September 2009 and September 2010 for prices of \$160.88 and \$166.50 per square foot of living area, including land, which also supports a reduction in the subject's assessment. The Board has given little weight to board of review sales #1, #4 and #5 and these each occurred in July 2008, a date most distant from the assessment date of January 1, 2011 and thus, less likely to be indicative of the subject's market value.

The subject's assessment reflects a market value of \$512,609 or \$183.53 per square foot of living area, including land, which is above the appraised value and above the best comparable sales in the record presented by the board of review. Thus, the Board finds the subject property had a market value of \$390,000 as of the assessment date at issue. Since market value has been established the 2011 three year average median level of assessments for DuPage County of 33.15% as determined by the Illinois Department of Revenue 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.



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.