



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

APPELLANT: Ramesh & Manda Joshi
DOCKET NO.: 11-03136.001-R-1
PARCEL NO.: 09-19-414-016

The parties of record before the Property Tax Appeal Board are Ramesh & Manda Joshi, 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: \$50,440
IMPR.: \$78,560
TOTAL: \$129,000

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 two-story and part one-story dwelling of frame construction with 2,218 square feet of living area. The dwelling was constructed in 1977. Features of the home include a partial basement with finished area, central air conditioning, a fireplace and an attached two-car garage of 483 square feet of building area. The property has an 11,538

square foot site and is located in Downers Grove, Downers Grove Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on four comparable sales in the Section V grid analysis of the appeal petition. The appellants also marked "recent appraisal" in Section 2d of the Residential Appeal petition, but no appraisal report was submitted with this appeal.

As part of the submission, the appellants included a printout from an internet website "GetMyHomesValue.com" and pointed out that, according to the website, area property values have decreased annually in the years 2009 to 2011 from a low of 10.16% to high of 35.78%. Also as presented by the appellants, the website set forth an estimated market value of the subject of \$382,767.

The appellants also included two pages with a notation at the top "Exhibit 3" which briefly set forth limited data on 18 addresses in Downers Grove, setting forth their proximities ranging from nearby to .41 of a mile from the subject, the sale price and sale date. None of the data includes the age, dwelling size, design (story height), exterior construction and/or amenities of these 18 properties for a complete analysis of the data. These sales occurred between March and November 2011 for prices ranging from \$184,500 to \$357,000.

Based on this evidence, the appellants alternatively requested assessment reductions to either \$116,667 or \$129,000 which would reflect market values of approximately \$350,000 or \$387,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$140,870. The subject's assessment reflects a market value of \$424,947 or \$191.59 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 submitted a memorandum from the township assessor which addressed differences between the subject and the four comparables presented in the appellants' Section V grid analysis including unfinished basements and/or no basement for comparable #3.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on two comparable sales where board of review comparable #1 is the same property as appellants' comparable #3 which has no basement. Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants referenced five area properties by address, number of bedrooms and bathrooms, which sold in 2011, 2012 and 2013 for prices ranging from \$213,500 to \$264,500. The appellants also included a spreadsheet reporting the land and improvement assessments of the subject and 17 area properties.¹

Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board has not considered the new and additional sales submitted by appellants in conjunction with their rebuttal argument.

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 Property Tax Appeal Board has given reduced weight to appellants' comparable #4 and board of review comparable #2, as each property sold in July and September 2008, dates much more remote in time from the valuation date at issue of January 1, 2011 than the other comparables and thus, these properties are less likely to be indicative of the subject's market value as of the date at issue.

¹ "Each appeal shall be limited to the grounds listed in the petition filed with the Property Tax Appeal Board." (35 ILCS 200/16-180) The appellants' only basis for this appeal was overvaluation; lack of assessment equity was not marked as a basis in Section 2d.

The Board finds the best evidence of market value to be appellants' comparable sales #1 and #3 which includes board of review comparable sale #1. These two properties were similar to the subject in location and design with varying degrees of similarity in other regards. On this record, these are the two most similar comparables to the subject and the properties sold in January 2010 and November 2011 for prices of \$309,000 and \$325,000 or for \$129 and \$165 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$424,947 or \$191.59 per square foot of living area, including land, which is above the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. Based on this evidence the Board finds a reduction in the subject's assessment is warranted in accordance with the appellants' request.

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. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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: September 19, 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.