



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

APPELLANT: Thomas Battista
DOCKET NO.: 11-03550.001-R-1
PARCEL NO.: 03-15-410-031

The parties of record before the Property Tax Appeal Board are Thomas Battista, the appellant, by attorney Thomas M. Battista of the Law Offices of Thomas M. Battista, 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: \$38,480
IMPR.: \$110,080
TOTAL: \$148,560

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of brick exterior construction containing 3,409 square feet of living area.¹ The dwelling was constructed in 1965. Features of the home include a partial basement that is 90% finished, central air conditioning, two fireplaces, an in-door swimming pool and a two-car attached garage. The property has an irregularly shaped lot with approximately 20,496 square feet of land area and is located in Wood Dale, Addison Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$370,000 as of January 27, 2011. The appraisal was prepared by Bryan M. Franks, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the cost and the sales comparison approaches to value.

The appraisal identified the client as Inland Home Mortgage Company/ACT. The purpose of the report was provide the lender/client with an accurate, and adequately supported, opinion of market value of the subject property. The intended use of the report was for the lender/client to evaluate the property for a

¹ The size is based on that reported by the appellant's appraiser, which was supported by the sketch calculations in the report.

mortgage finance transaction. The intended user of the appraisal report was the lender/client. The property rights appraised were the fee simple interest. The appraiser determined the highest and best use of the subject property as improved was the current use.

Under the cost approach the appraiser estimated the subject had a site value of \$125,000 using the sales comparison approach and the allocation method. The appraiser estimated the replacement cost new of the improvements to be \$375,985. Using an effective age of 15 years and a total economic life of 65 years, the appraiser estimated the subject's physical depreciation to be approximately 23% of the cost new or \$86,765 resulting in a depreciated improvement value of \$289,220. The appraiser also estimated the site improvements had an "as is" value of \$20,000. Adding the various components, the appraiser estimated the subject property had an estimated value under the cost approach of \$434,200.

Using the sales comparison approach the appraiser provided information on three comparable sales and two active listings. The comparables were described as being improved with three, two-story dwellings of brick or brick and frame construction and two, one-story dwellings of brick construction that ranged in size from 2,302 to 3,845 square feet of living area. The dwellings ranged in age from 16 to 61 years. Each comparable had a full or partial basement with three being reported as 90% finished. Each comparable had central air conditioning, one or two fireplaces and a two-car or a three-car garage. The comparables have sites ranging in size from 10,920 to 28,560 square feet of land area. Each comparable was located in Wood Date from .10 to .70 miles for the subject. Comparables #1 through #3 sold from July 2010 to November 2010 for prices ranging from \$330,000 to \$420,000 or from \$97.53 to \$143.35 per square foot of living area, including land. The two listings were placed on the market in June 2010 and September 2010 for prices of \$369,900 and \$375,000 or for \$135.00 and \$103.53 per square foot of living area, land included, respectively. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$363,490 to \$423,720. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$370,000.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$370,000 as of January 27, 2011. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$148,560 was disclosed. The subject's assessment reflects a market value of \$448,145 or \$131.46 per square foot of living area, including

land, when applying the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

In support of the subject's assessment the board of review submitted an Addendum to Board of Review Notes on Appeal and Exhibit #1, which included the sales used in the appellant's appraisal and information on five comparable sales identified by the Addison Township Assessor's Office. Assessor comparable sale #1 was the same property as the appellant's appraiser's sale #3. In summary, the assessor's sales were improved with one-story dwellings of brick or brick and frame construction that range in size from 1,555 to 2,557 square feet of living area. The dwellings were constructed from 1950 to 1977. Four of the comparables had basements with three being partially or fully finished. Four of the comparables had central air condition, three comparables each had one fireplace and each had an attached or detached garage ranging in size from 484 to 1,431 square feet of building area. Using the dimensions provided by the assessor, the comparables have sites ranging in size from 8,280 to 28,560 square feet of land area and each is located in Wood Dale. The comparables sold from July 2010 to September 2012 for prices ranging from \$250,000 to \$398,368 or from \$123.53 to \$160.77 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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 Board finds the best evidence of market value in the record to be the ranch style comparable sales submitted by the appellant's appraiser identified as comparable sales #3 and #4 and board of review comparable sales #1, #2 and #4. Appellant's comparable #3 and board of review comparable #1 are the same property. These comparables were located in Wood Dale. The comparables were smaller than the subject dwelling ranging in size from 2,302 to 2,740 square feet of living area. The comparables were similar to the subject in construction and features with the exception board of review sale #4 had no basement and none of the comparables had an in-door swimming

pool. The comparables were built from 1950 to 1979. Due to the similarities to the subject, these comparables received the most weight in the Board's analysis. Three comparables sold from July 2010 to July 2012 and one comparable was an active listing. Their prices ranged from \$295,000 to \$369,900 or from \$123.53 to \$143.53 per square foot of living area, including land. The common comparable submitted by the parties sold in July 2010 for a unit price of \$143.35 per square foot of living area. The subject's assessment reflects a market value of \$448,145 or \$131.46 per square foot of living area, including land. The subject's assessment reflects a market value below three of the four sales on a square foot basis and significantly below the square foot price of the common sale. The market value reflected by the subject's assessment is justified based on its size and considering the subject's in-door swimming pool. Less weight was given to comparable sales #1, #2 and #5 contained in the appellant's appraisal due to differences from the subject in their two-story style. The appraisal indicated the one-story dwellings sold for higher prices per square foot of living area than the two-story dwellings. Less weight was given to board of review sales #3 and #5 due to their size being in excess of 50% smaller than the subject dwelling. Based on this record the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank 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: November 22, 2013

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.