



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

APPELLANT: Robert Luckman
DOCKET NO.: 11-03849.001-R-1
PARCEL NO.: 03-22-210-009

The parties of record before the Property Tax Appeal Board are Robert Luckman, the appellant, 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: \$40,500
IMPR: \$103,150
TOTAL: \$143,650

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 and brick exterior construction with 3,066 square feet of living area. The dwelling was constructed in 2007. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached 505 square foot

garage. The property has a 7,504 square foot site and is located in Addison, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. As part of the appeal, the appellant also reported that the subject dwelling was purchased in March 2010 for \$442,000.

In support of the overvaluation argument, the appellant submitted information on four comparable sales in the Section V grid analysis of the Residential Appeal petition. The comparables consist of two-story brick or frame and brick dwellings that were located within .25 of a mile from the subject. The comparables range in size from 3,129 to 4,210 square feet of living area and were 7 to 45 years old. Each home has a full unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 441 to 598 square feet of building area. The comparables sold between February and August 2010 for prices ranging from \$300,000 to \$380,000 or from \$83.14 to \$114.35 per square foot of living area, including land.

In addition, the appellant submitted a copy of a "drive-by" appraisal report prepared by Jason Turbin for the appellant. The appraiser used the sales and cost approaches to value in order to estimate the subject's market value as of January 1, 2011 as \$385,000. As part of the report, the appraiser noted the sale of the subject in March 2010 and reported the price was \$441,000 according to the MLS listing. The appraiser reported a dwelling size for the subject of 3,133 square feet of living area but as set forth in the schematic of the dwelling, the appraiser performed a "drive-by" appraisal.

Under the cost approach, the appraiser estimated the subject's market value to be \$398,100. Under the sales comparison approach, the appraiser analyzed three sales of two-story dwellings with brick construction that were 16 to 36 years old. The comparable homes range in size from 3,222 to 3,845 square feet of living area and feature full basements, two of which were finished. These comparables sold between July and December 2010 for prices ranging from \$360,000 to \$410,000 or from \$97.53 to \$126.54 per square foot of living area, including land. The appraiser made adjustments to the comparables for concessions and/or lot size, age, above grade area, dwelling size, basement finish, basement bath and other amenities. The appraiser estimated adjusted sales prices ranging from \$357,000 to \$413,000. As set forth in the Addendum, the appraiser placed

most weight on comparable sale #2 as being most similar to the subject in "overall market appeal."

Based on the foregoing evidence, the appellant requested a total assessment of \$128,333 which would reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$143,650. The subject's assessment reflects a market value of \$433,333 or \$141.33 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.

In placing the appellant's comparable sales in a spreadsheet, the Addison Township Assessor noted the ages of appellant's comparable #4 and appraisal comparable #2 and also noted the neighborhood codes of appraisal comparables #1 and #3.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales where comparable #1 was the subject property. The comparables consist of two-story brick or brick and frame dwellings that were built between 1987 and 2007. The homes range in size from 2,540 to 3,491 square feet of living area and feature full basements, one of which has finished area. Each home has central air conditioning and a garage ranging in size from 505 to 793 square feet of building area. Four of the properties also have a fireplace. The properties, including the subject, sold between October 2008 and August 2012 for prices ranging from \$410,000 to \$550,000 or from \$144.16 to \$208.66 per square foot of living area, including land.

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.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970).

The parties both agree that the subject property was purchased in March 2010 for \$442,000 or \$144.16 per square foot of living area, including land. The subject's recent purchase occurred approximately ten months prior to the assessment date at issue of January 1, 2011 and thus reflects the best evidence of the subject's market value.

The subject's assessment reflects a market value of \$433,333 or \$141.33 per square foot of living area, including land, which is actually below the subject's recent purchase price. The appellant's appeal seeks to reduce that assessment further. As to the appellant's evidence in support of a reduction, the Property Tax Appeal Board does not find the "drive-by" appraisal report with a value conclusion of \$385,000 to be persuasive. Each of the sales considered by the appraiser was dwellings that were much older than the subject and each home was larger than the subject dwelling with more land area than the subject making the properties dissimilar to the subject. The Property Tax Appeal Board has also given no weight to comparable sales #2, #3 and #4 that the appellant presented in the Section V grid analysis. The Board finds these dwellings are older than the subject and one comparable is substantially larger than the subject dwelling.

As to the board of review's four comparable sales, the Property Tax Appeal Board has given no weight to sales #2 and #4 which sold in 2008 and 2009, dates more remote in time from the valuation date at issue. No weight was given to board of review comparable #3 as this dwelling was constructed in 1987 as compared to the subject that was built in 2007.

Having considered all of the comparable sales that were presented, the Board finds the best two comparables were appellant's comparable #1 and board of review comparable #5.

These two homes were built in 2005 and 2004, respectively. These two-story dwellings of brick or frame and brick construction contain 3,129 and 3,237 square feet of living area which are relatively similar to the subject dwelling in both age and size. Each comparable has a full basement, one of which has some finished area. These two properties sold in April and June 2010 for purchase prices of \$300,000 and \$535,000 or for \$95.88 and \$165.28 per square foot of living area, including land, as compared to the subject's recent purchase price of \$442,000 or \$144.16 per square foot of living area, including land, which purchase price falls between the two best comparable sales in the record.

In conclusion, the Board finds the best evidence of the subject's market value was its recent purchase price of \$442,000. The subject's assessment reflects a market value lower than the recent purchase price and the board of review did not seek an increase in the subject's assessment as part of this appeal petition. Therefore, based on this evidence the Board finds no change in the subject's assessment is warranted.

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. F...

Member

Richard A. ...

Member

Mark ...

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 21, 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.