



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

APPELLANT: David Bingaman
DOCKET NO.: 11-03905.001-R-1
PARCEL NO.: 06-02-321-015

The parties of record before the Property Tax Appeal Board are David Bingaman, 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: \$57,850
IMPR: \$101,500
TOTAL: \$159,350

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 single-family dwelling of frame construction with 1,764 square feet of living area. The dwelling was constructed in 1942. Features of the home include a partial basement with finished area, central air conditioning, a fireplace and a detached two-car garage. The

property has an 8,288 square foot site and is located in Elmhurst, York Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located within four blocks of the subject property along with a brief addressing the differences between these properties and the subject.

The comparables have parcels ranging in size from 7,074 to 10,611 square feet of land area and are improved with two-story dwellings of brick or frame and brick exterior construction that were built between 1939 and 1950. The homes range in size from 1,720 to 2,112 square feet of living area and feature partial basements, one of which has finished area. Each home has from one to three fireplaces and a one-car or a two-car garage. The appellant further reported that comparable #1 has a brick driveway and sidewalk along with new kitchen appliances whereas the subject has 70-year-old wood siding, a concrete driveway and sidewalk, and lower-end older kitchen appliances. Comparable #2 is superior to the subject in bathroom and fireplace count. Comparable #3 has a new kitchen with granite countertops and comparable #4 is a superior all-brick dwelling with two fireplaces and Corian countertops in a "rehabbed kitchen." These comparables sold between October 2009 and February 2012 for prices ranging from \$275,000 to \$525,000 or from \$159.88 to \$248.58 per square foot of living area, including land.

In the brief, the appellant also reported that the comparables have beautiful houses adjacent to them whereas the subject "is located next to the most dilapidated house not only in the neighborhood but also in the entire town" (citing to attachment 6). The attachment depicts a frame dwelling with some vine growth in the home and a second floor window air conditioner and the roof may be in a deteriorated condition, but is partially obstructed by a tree in the photograph. The appellant contends that this has a substantial detrimental effect on the subject's fair market value.

Based on this evidence, the appellant requested a total assessment of \$124,500 which would reflect a market value of approximately \$373,500 or \$211.73 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$159,350. The subject's assessment reflects a market value of

\$480,694 or \$272.50 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 to the sales presented by the appellant, in a memorandum from Judy Woldman of the York Township Assessor's Office, she noted that comparable #1 was a short sale; comparable #2 sold "well after the assessment date of January 1, 2011"; and comparables #3 and #4 are "more in line with the subject's value."

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located in the same neighborhood code assigned by the assessor as the subject property where board of review comparable #3 was also presented as appellant's comparable sale #3. The parcels contain either 7,074 or 7,595 square feet of land area and are improved with two-story dwellings of frame, masonry or frame and masonry exterior construction. The homes were built between 1937 and 1948 and range in size from 1,800 to 2,179 square feet of living area. Each home has a partial basement and a one-car or a two-car garage. The grid analysis fails to provide other characteristics or amenities of the homes. These properties sold between October 2009 and May 2010 for prices ranging from \$440,000 to \$667,500 or from \$229.89 to \$306.33 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.

As to the notation by the board of review that appellant's comparable #1 was a short sale, the Property Tax Appeal Board finds that the attached PTAX-203 regarding this sale reported the property was advertised prior to the transaction. Moreover, Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to assessment date at issue, January 1, 2011 and thus, no merit has been given to the board of review's contention that the comparable was a "short sale" thereby implying that it should not be considered or be given less weight.

The parties presented eight properties with one common sale to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #4 and board of review comparable #5 as each of these homes are substantially larger than the subject dwelling.

The Board finds the best evidence of market value to be appellant's comparable sales #1 through #3 and board of review comparable sales #1 through #4. These five most similar comparable properties sold between October 2009 and May 2011 for prices ranging from \$275,000 to \$530,000 or from \$159.88 to \$286.10 per square foot of living area, including land. The subject's assessment reflects a market value of \$480,694 or \$272.50 per square foot of living area, including land, which is within the range established by 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 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.



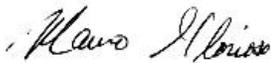
Chairman



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: November 21, 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.