



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

APPELLANT: Gary Kachadurian  
DOCKET NO.: 12-03810.001-R-1  
PARCEL NO.: 09-12-206-023

The parties of record before the Property Tax Appeal Board are Gary Kachadurian, the appellant, by attorneys Michael E. Crane and Robert M. Marsico, of Crane & Norcross, in 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:** \$235,750  
**IMPR:** \$380,000  
**TOTAL:** \$615,750

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 2012 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. The dwelling was constructed in 1901 with additions and renovations completed in 1992. Features of the home include a partial unfinished

basement,<sup>1</sup> central air conditioning, three fireplaces<sup>2</sup> and a 529 square foot garage. The property has a 34,908 square foot site and is located in Hinsdale, Downers Grove Township, DuPage County.

The initial dispute between the parties concerns the living area square footage of the subject dwelling. In the Residential Appeal petition, the appellant presented a dwelling size of 4,008 square feet which was the determination of dwelling size by the appellant's appraiser. The copy of the appraisal report presented to the Property Tax Appeal Board does not include a schematic drawing to support the appraiser's size determination. For part of the opening statement, counsel for the appellant argued the dwelling size of the subject was 4,251 square feet which matched the contention of the board of review. When questioned by the Administrative Law Judge concerning the appellant's contention with regard to dwelling size, counsel acknowledged the difference and further contended that assessors utilize exterior measurements whereas appraisers focus more on interior measurements for their calculation(s).

The board of review through the township assessor's office reported a dwelling size of 4,251 square feet of living area and included a copy of the subject's multi-page property record card including a one-page detailed schematic drawing of the improvements to support the size determination.

On this record, the Property Tax Appeal Board finds that in the absence of the appraiser and in the absence of a schematic drawing by the appraiser to support the appraiser's size determination, the best evidence of dwelling size of the subject property was presented by the assessing officials in the form of a schematic drawing of the property as part of the property record card. Based on the evidence, the Board finds that the subject dwelling contains 4,251 square feet of living area.

The appellant appeared through legal counsel before the Property Tax Appeal Board contending both assessment inequity and overvaluation as the bases of this appeal.

In support of the overvaluation argument, the appellant submitted a copy of a "Desktop Underwriter Quantitative Analysis

---

<sup>1</sup> The appellant's appraiser reported the subject's basement to have finished area although the assessing officials do not have this feature in the assessment records.

<sup>2</sup> The appellant's appraiser noted four fireplaces, although both the appellant and the board of review reported only three fireplaces for the dwelling.

Appraisal Report" prepared by Mark R. Stapleton for the client, Leaders Bank, where the borrower was the appellant. Using four comparable properties consisting of three sales and one listing, the appraiser opined a market value for the subject property of \$1,560,000 as of July 19, 2010. The sales in the report occurred in March and September 2010 and the listing was described as "current" for a report that was prepared in July 2010. In the report, the listing was noted as having been on the market for 8 days. The appellant's appraiser was not present at the hearing.

In support of the inequity argument, the appellant submitted information on three equity comparables in the Section V grid analysis of the Residential Appeal petition. Each of these three comparables was located in the same neighborhood code assigned by the assessor as the subject property. In addition, at hearing, counsel for the appellant cited the board of review's grid of the appellant's evidence which set forth assessment data on three of the four properties which were presented in the appellant's appraisal report.

Based on this evidence of both lack of uniformity and overvaluation, the appellant requested an improvement assessment reduction to \$284,198 or \$66.85 per square foot of living area and further requested a total assessment of \$519,948 which would reflect a market value of approximately \$1,559,844 or \$366.94 per square foot of living area, including land.

For cross-examination, counsel for the appellant contended that he and others selected the three equity comparables which were presented in Section V of the appeal petition. Moreover, he admitted to having been aware that appellant's equity comparable #1 had a historical residence assessment freeze when the property was selected as a suitable comparable. Counsel further contended that there were few comparables in the neighborhood to choose from and additionally he was not aware of the impact of that freeze on the property, for instance, whether it was a pre-assessment or post-assessment remedy. Next, when questioned about the dwelling size differential between the subject and appellant's equity comparable #1, counsel reiterated that this property was one of the few in the neighborhood to choose from which had similarities to the subject in age and subsequent renovations/additions, even though it had a superior quality of construction. When questioned about the differences in dwelling size between the subject and appellant's equity comparable #3, counsel noted that again due to the lack of comparables to choose from, this comparable was deemed to be a suitable

comparable in the area. In this regard, counsel further noted that none of the board of review's chosen comparables has the same neighborhood code as the subject property which supports the contention that the most similar properties were difficult to find the area.

Counsel for the appellant had no explanation for the feature difference between the appraisal and the assessor's records concerning an elevator for the subject having never been in the property. Furthermore, counsel for the appellant argued that an elevator was personal property and should not be assessable real estate.<sup>3</sup>

Noting that the appraisal's use for any other purpose required requesting permission, when asked if permission had been requested, counsel contended that it was the homeowner who requested the refinancing and was provided with a copy of the appraisal report and thus, while permission was not requested to use the report for this appeal, it was counsel's contention that the taxpayer has "enough of an interest in the appraisal" to make it at least persuasive as to market value.

At that time, for the record, the board of review's representative objected to consideration of the appraisal since the appraiser was not present to provide testimony and/or be cross-examined with regard to the report and thus the report was an unsworn *ex parte* statement of opinion. In response, counsel for the appellant contended that "there is such an amount of tax dollars at issue here" such as to make this unaffordable to the taxpayer. He stated that financially it is not feasible for the appellant to pay the expenses to produce an appraiser and thus, the objection in essence was that financial considerations prevents the taxpayer from ever having presented their case in a matter like this one as even with a complete victory the tax savings would not rise to a level to the expenses involved in presenting an appraiser for multiple hours of time.

The Administrative Law Judge advised that the objection and consideration of the report would be taken under advisement and addressed in the Board's final decision.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$615,750. The subject property has an improvement assessment of \$380,000 or \$89.39 per square foot of living area. The

---

<sup>3</sup> Upon review of the record, the Property Tax Appeal Board finds no reference in the subject's property record card to an elevator feature.

subject's total assessment reflects a market value of \$1,847,989 or \$434.72 per square foot of living area, land included, when using the 2012 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

Appearing on behalf of the DuPage County Board of Review was board member Charles Van Slyke and Joni Gaddis, Chief Deputy Assessor of Downers Grove Township, who has 30 years of experience in the assessment field, was called as a witness.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on four equity comparables with full year assessments<sup>4</sup> and also presented a grid analysis of the appellant's evidence, including the three equity comparables from Section V of the appellant's appeal petition and three of the properties from the appellant's appraisal report.<sup>5</sup> Gaddis included in the submission a "narrative" which discussed adjustments to the comparables for differences from the subject, which were based on the individual components in the cost approach to value that were used to calculate the original assessments for the subject and comparables.

In particular, Gaddis noted that appellant's comparable #1 has a Historic Residence Assessment Freeze (35 ILCS 200/10-166), is substantially larger than the subject dwelling, has no garage and has a larger lot. Gaddis further asserted that without the applicable freeze, this property's improvement assessment would be \$139 per square foot of living area. Gaddis also pointed out that appellant's equity comparable #3 was a larger dwelling than the subject and had a slightly smaller lot as compared to the subject. She summarized her position that neither of these two comparables was sufficiently similar to the subject to be considered comparable for purposes of assessment equity.

As to the comparables in the appellant's appraisal report, Gaddis contended that comparable #1 was a "teardown" sale as the property was purchased in March 2010 and demolished in January 2011. A new dwelling was being erected on the site and had a pro-rated improvement assessment of \$78 per square foot of living area which would have been a full value assessment of \$157 per square foot of living area. The assessing officials

---

<sup>4</sup> Comparable #4 had the dwelling demolished early in 2012 and thus, had a smaller pro-rated improvement assessment for the assessment year at issue.

<sup>5</sup> One of the appraisal comparables was located in Cook County and thus, the township assessor had no readily available data on this property.

reported no record of the appraisal's comparable #2 from September 2010 as reported in the appraisal, but instead depicted a sale from September 2009 for \$2,587,000 or \$605 per square foot of living area, including land.

Appraisal comparable #3 was located in Cook County and thus the assessing officials did not have information on this property. When Gaddis was asked, she opined that the potential difference in sale price between the subject and this comparable would be dependent upon the applicable school district(s).

As to appraisal listing #4, Gaddis reported the sale that occurred in July 2011 for \$1,220,000 or \$381 per square foot of living area, including land, and she further noted the dwelling was much smaller than the subject, had a slightly inferior quality construction and had a smaller lot.

Gaddis testified that the subject and both parties' comparables, except appellant's appraisal comparable #3, are located "in the prime Hinsdale area, downtown Hinsdale" within the HC neighborhood code. Furthermore, she asserted that the number following the HC designation concerns the effective ages of the properties. Her office's research showed the effective ages of board of review comparables #5 and #6 were slightly greater than that of the subject which is designated as HC2.

As to market value, the assessor's office provided comparables #1 and #2 representing slightly larger dwellings and significantly smaller lots when compared to the subject. She noted further in testimony that comparable #1 was more similar to the subject in dwelling age than comparable #2. While the subject's estimated market value is slightly higher than these two sales, the assessor's office also provided two area land sales, comparables #3 and #4, to display that part of the difference in market values may be due to the size of the subject's lot.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

On cross-examination, Gaddis was asked what record evidence she had that appellant's equity comparable #1 had no garage. After reviewing the records, she testified that a field inspection last occurred in 2011 which noted the lack of a garage. Gaddis was also questioned about her characterization of appellant's appraisal comparable #1 being called a "teardown" sale; Gaddis

acknowledged that she was not part of the sale transaction and she is unaware of why the new owner torn the home down.

Except for board of review comparable #1, the improvement assessments of each of the board's suggested comparables without adjustments are less than the subject on a per-square-foot basis. Additionally, none of the board of review's comparables have the HC2 neighborhood code designation of the subject property. Only board of review comparable #5 is older than the subject dwelling's original age of construction.

In rebuttal, counsel for the appellant noted that none of the board of review's comparables are located in the neighborhood code assigned by the assessor for the subject property. In addition, the comparables chosen by the board of review also differed from the subject in dwelling size by up to 20% or 25% in some instances. Also except for comparable #5, the board of review's suggested comparables are much newer in age than the subject property. Furthermore, counsel argued that the assessments do not reflect the recent sale prices of the properties as set forth in the board of review's submission and the majority of the comparables present a lower improvement assessment per square foot than the subject which further supports the appellant's contention that the subject property has been inequitably assessed.

#### Conclusion of Law

The taxpayer contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

After hearing the testimony and considering the record, the Board finds the best evidence of assessment equity to be appellant's comparables #2 and appraisal comparable #2 along with board of review comparables #1, #2, #5 and #6. These comparables had improvement assessments that ranged from \$54 to \$103 per square foot of living area, rounded. The subject's

improvement assessment of \$89 per square foot of living area, rounded, falls within the range established by the best comparables in this record and after considering adjustments and the differences in both parties' most similar suggested comparables when compared to the subject property, the Board finds the subject's improvement assessment is supported by these most comparable properties contained in the record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The appellant also contended the assessment of the subject property was excessive and not reflective of its market value. 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 (3<sup>rd</sup> Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c).

The Property Tax Appeal Board sustains the objection of the board of review to the appellant's appraisal report. The Board finds that in the absence of the appraiser at hearing to address questions as to the selection of the comparables and/or the adjustments made to the comparables in order to arrive at the value conclusion set forth in the appraisal, the Board will consider only the appraisal's raw sales data in its analysis and give no weight to the final value conclusion made by the appraiser. Novicki v. Dept. of Finance, 373 Ill. 342 (1940); Grand Liquor Co., Inc. v. Dept. of Revenue, 67 Ill. 2d 195 (1977); Jackson v. Board of Review of the Dept. of Labor, 105 Ill. 2d 501 (1985). The Board finds the appraisal report is tantamount to hearsay. Oak Lawn Trust & Savings Bank v. City of Palos Heights, 115 Ill. App. 3d 887 (1<sup>st</sup> Dist. 1983). Illinois courts have held that where hearsay evidence appears in the record, a factual determination based on such evidence and unsupported by other sufficient evidence in the record must be reversed. LaGrange Bank #1713 v. DuPage County Board of Review, 79 Ill. App. 3d 474 (2<sup>nd</sup> Dist. 1979); Russell v. License Appeal Comm., 133 Ill. App. 2d 594 (1<sup>st</sup> Dist. 1971). In the absence of an appraiser being available and subject to cross-examination regarding methods used and conclusion(s) drawn, the Board finds that the weight and credibility of the evidence and the value conclusion of \$1,560,000 as of July 19, 2010 has been

significantly diminished and cannot be deemed conclusive as to the value of the subject property.

Examining the raw sales data in the appraisal, there are three comparable sales and one listing located in close proximity to the subject property. The appraisal comparable #1 sold in March 2010, a date which was significantly distant from the valuation date at issue here of January 1, 2012. As such, the Board has given reduced weight to this comparable sale. The board of review also provided a July 2011 sale of the appraisal's listing which is proximate to the date of valuation.

On this record, the Board finds the comparable sales of improved properties submitted by the appellant as comparables #2 through #4 along with board of review comparables #1 and #2 were most similar to the subject in date of sale, size, design, exterior construction, location and/or age. Due to their similarities to the subject and their dates of sale, these comparables received the most weight in the Board's analysis. These comparables sold between September 2010 and July 2011 for prices ranging from \$321 to \$413 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of approximately \$1,847,989 or \$434.72 per square foot of living area, including land, which is above the range established by the most similar comparables on a per square foot basis, but appears to be justified given the subject's larger lot size and differences in amenities when compared to the comparable properties. After considering the most comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

In conclusion, the Board finds the appellant has failed to prove unequal treatment in the assessment process by clear and convincing evidence, or overvaluation by a preponderance of the evidence. Therefore, the Board finds that the subject's assessment as established by the board of review is correct and no reduction 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.



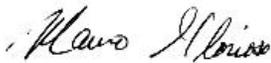
Chairman



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: September 19, 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.