



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

APPELLANT: Edward Richard
DOCKET NO.: 11-02774.001-R-1
PARCEL NO.: 09-21-108-022

The parties of record before the Property Tax Appeal Board are Edward Richard, the appellant, by attorney Gary L. Taylor, of Rathje & Woodward, LLC in Wheaton; 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: \$43,220
IMPR: \$69,490
TOTAL: \$112,710

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 brick and frame exterior construction with 2,570 square feet of living area.¹ The dwelling was constructed in 1979. Features of the home include a partial basement with 80% finished area, central air conditioning, a fireplace and a

¹ The appellant's appraiser reported a dwelling size of 2,570 square feet of living area with a schematic drawing. The assessing officials reported a dwelling size of 2,584 square feet of living area with a schematic drawing to support the contention. The Board finds the slight size dispute is not relevant to determining the correct assessment of the subject property based on the evidence in the record.

two-car garage. The property has a 15,632 square foot site and is located in Westmont, Downers Grove Township, DuPage County.

The appellant appeared before the Property Tax Appeal Board through counsel claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted four comparables sales and an appraisal. The four sales were included in the appraisal. The appellant called as his witness Ramona Tyack. Tyack is a Certified General Real Estate Appraiser licensed in Illinois. Tyack testified that she has been an appraiser for since 1986.

Tyack testified that she prepared an appraisal of the subject property for a lender as of October 13, 2011. Tyack testified that her opinion of value as of January 1, 2011 would be the same as it was for October 13, 2011 conveying an estimated market value of \$340,000. Tyack provided direct testimony regarding the appraisal methodology and final value conclusion. The appraiser relied on the sales comparison approach to value, one of the three traditional approaches to value.

Under the sales comparison approach to value, the appraiser utilized four suggested sales and two listings located in Westmont, from .12 to 1.07 miles from the subject. The dwellings were described as colonial² dwellings of brick and frame exterior construction. The dwellings are from 25 to 32 years old. Each comparable has a finished basement, central air conditioning and a two-car garage. Five comparables have a fireplace. The dwellings range in size from 1,863 to 3,710 square feet of living area and are situated on lots that range in size from 7,081 to 13,819 square feet of land area. The comparables sold/listed from July 2010 to October 2011 for prices ranging from \$310,500 to \$408,000 or from \$103.77 to \$171.77 per square foot of living area, land included.

The appraiser made adjustments to the comparables for differences when compared to the subject for listing, land area, condition, living area, lower level bath, fireplace, and other features. The adjustments resulted in adjusted sale prices ranging from \$334,400 to \$378,800 or from \$90.13 to \$188.03 per square foot of living area including land.

Under cross-examination, Tyack testified that the adjustment for rooms below grade is for bathrooms. Tyack testified that the adjustments are from her experience and not a manual.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$137,500. The subject's assessment reflects a market value of \$414,781 or \$161.39 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.

² The photographs included in the appraisal depict two-story dwellings.

Representing the board of review was member Charles Van Slyke. The board of review submitted a grid analysis of the appellant's comparables and a grid analysis of four additional comparable sales. The board of review also submitted a location map and property record cards which were prepared by Downers Grove Chief Deputy Assessor Joni Gaddis. Van Slyke called Gaddis as a witness. Gaddis testified that she has the (CIAO) Certified Illinois Assessing Officer (CIAO) designation and is in good standing.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales with three of the comparables located in the same neighborhood code assigned by the township assessor as the subject.. The comparables are improved with a part two-story and part one-story single family dwellings that ranged in size from 1,723 to 2,074 square feet of living area. The dwellings were of frame and brick exterior construction and were built in 1984 and 1985. Each comparable has a partial unfinished basement a fireplace and a garage ranging in size from 420 to 462 square feet of building area. Two comparables have central air conditioning. The comparables are situated on lots that range in size from 8,250 to 11,050 square feet of land area. The comparables sold from March 2008 to March 2011 for prices ranging from \$295,000 to \$396,000 or from \$159.48 to \$190.94 per square foot of living area, land included.

Under cross-examination, Gaddis acknowledged that the comparables were all smaller than the subject property.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of the subject's market value to be the appraisal submitted by the appellant for \$340,000. The Board finds the appellant's appraiser provided competent testimony regarding the selection of the comparables, the adjustment process and final value conclusion. The Board further finds the board of review failed to adequately refute the appraiser's final value conclusion. The subject's assessment reflects a market value of \$414,781, which is greater than the appraised value. Based on this record, the Board finds the subject property had a market value of \$340,000 as of the assessment date at issue. The Board gave less weight to board of review unadjusted comparables based on their smaller dwelling

sizes when compared to the subject. In addition, three sales are dated and occurred from March 2008 to May 2009, which is less indicative of fair market value as of the subject's January 1, 2011 assessment date. Since market value has been established the 2011 three year average median level of assessments for DuPage County of 33.15% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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



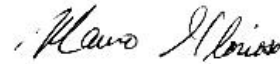
Member



Member



Member



Member



Acting 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: March 18, 2016



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.