



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

APPELLANT: James & Judith Bindon
DOCKET NO.: 11-03944.001-R-1
PARCEL NO.: 06-11-316-020

The parties of record before the Property Tax Appeal Board are James & Judith Bindon, the appellants, 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: \$103,210
IMPR: \$248,180
TOTAL: \$351,390

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 brick construction with 4,597 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full basement with finished area, central air conditioning, two fireplaces and an attached three-car garage. The property

has a 19,845 square foot site and is located in Elmhurst, York Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$1,060,000 as of January 1, 2011. The appellants also reiterated the three sales comparables presented in the appraisal report within Section V of the Residential Appeal petition.

Based on this evidence, the appellants requested a total assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$389,190. The subject's assessment reflects a market value of \$1,174,027 or \$255.39 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.

In rebuttal, the township assessor noted that one of the sales in the appellants' appraisal report was sold by a financial institution via a Special Warranty Deed and another of the sales was acquired in May 2009 by a relocation company which then re-sold the property in July 2009 for a loss of \$72,500.

In support of its contention of the correct assessment the board of review through the township assessor's office submitted information on four comparable sales, three of which have the same neighborhood code assigned by the assessor as the subject property. The comparables consist of two-story dwellings that were built between 2003 and 2010. These homes range in size from 4,304 to 4,873 square feet of living area and feature basements and two-car or three-car garages. The properties sold between April 2010 and October 2010 for prices ranging from \$1,000,000 to \$1,279,000 or from \$205.21 to \$289.56 per square foot of living area, including land.

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

In written rebuttal, the appellants contended that the comparables presented by the assessor were located in the "high rent district" of Elmhurst. Moreover, the appellants asserted

that the subject property has the Elmhurst Water Treatment Plant directly behind the property separated only by a ten foot creek.

Conclusion of Law

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

The Board finds the best evidence of market value to be the appraisal submitted by the appellants with an estimated market value of \$1,060,000. The subject's assessment reflects a market value of \$1,174,027 or \$255.39 per square foot of living area, including land, which is above the appraised value.

The Board has given little weight to the comparable sales presented by the board of review as the homes were primarily much newer than the subject and sold much closer to their respective dates of construction. Furthermore, the Board has given no weight to the contentions of the assessor regarding two of the sales in the appraisal report as the PTAX-203 documentation concerning the sales both reflected that the properties were advertised prior to the sales that were analyzed in the appellants' appraisal report.

On this record, the Board finds the subject property had a market value of \$1,060,000 as of the assessment date at issue. 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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: January 23, 2015

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.