



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

APPELLANT: Michael Flaherty
DOCKET NO.: 11-05783.001-R-1
PARCEL NO.: 09-12-214-011

The parties of record before the Property Tax Appeal Board are Michael Flaherty, the appellant, by attorneys Melissa Whitley and Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$185,070
IMPR.: \$555,600
TOTAL: \$740,670

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 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 single family dwelling of brick and dryvit exterior construction with 5,431 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full finished basement, central air conditioning, five fireplaces and a three-car attached garage containing 647 square

feet of building area. The subject property also has an in-ground swimming pool. The property has an 18,940 square foot site¹ and is located in Hinsdale, 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 called as his witness Paul V. Jonauskas. Jonauskas is employed by Real Valuation Group and is a Certified Residential Real Estate Appraiser licensed in Illinois. Jonauskas testified that he has been a certified residential appraiser since 2004.

Jonauskas testified that he inspected the interior and exterior of the subject property and prepared an appraisal of the subject. The purpose of the appraisal was to develop an opinion of market value of the subject property as of January 1, 2010. Jonauskas provided direct testimony regarding the appraisal methodology and final value conclusion. The appraiser relied on the sales comparison approach to value. The appraisal report conveys an estimated market value of \$2,100,000 as of January 1, 2010.

Under the sales comparison approach to value, the appraiser utilized four suggested sales located in Hinsdale from .45 to .71-of a mile from the subject property. The dwellings were described as two-story dwellings of brick, brick and stucco or stone and stucco exterior construction. The subject was described as being in average condition like comparables #2 and #4. Comparable #1 and comparable #3 were described in good condition. Each comparable has a full finished basement with a bath. All the comparables have central air conditioning, two to four fireplaces and a two or three-car garage. The dwellings are from 3 to 15 years old. The dwellings range in size from 4,559 to 6,535 square feet of living area and are situated on lots that range in size from 9,256 to 27,722 square feet of land area.² The comparables sold from March 2009 to September 2009 for prices ranging from \$1,850,000 to \$2,350,000 or from \$351.95 to \$427.61 per square foot of living area including land. After adjusting the comparables for differences when compared to the

¹ The appraisal indicates that the subject property has 20,455 square feet of land area. During cross-examination, the appraiser disclosed that he arrived at the site size by using the lot dimensions from the assessor's website. The dimensions included the depth factor, which the appraiser used in his calculation, in error.

² The land sizes are incorrect. The appraiser testified that he used the depth factor in the calculation of the land sizes. The board of review evidence shows the lot range from 11,798 to 23,694 square feet of land area.

subject in age/condition, view, land size, dwelling size, baths and other amenities, the appraiser calculated that the comparables had adjusted sale prices ranging from \$2,081,500 to \$2,123,500 or from \$318.91 to \$456.57 per square foot of living area including land. Based on these adjusted sale prices, the appraiser concluded the subject property had an estimated market value of \$2,100,000 or \$386.81 per square foot of living area including land as of January 1, 2010 using the sales comparison approach.

The appellant also submitted one additional comparable sale. The appellant did not disclose its proximity in location to the subject property. The comparable is described as a two-story single family dwelling of brick exterior construction with 5,926 square feet of living area. The dwelling was constructed in 2005. Features include a full finished basement with a bath, central air conditioning, four fireplaces and a four-car garage.³ The comparable has a 30,772 square foot site. The comparable sold in May 2011 for a price of \$2,050,000 or \$345.93 per square foot of living area, land included.

During cross-examination, Jonauskas testified that the adjustment for age for comparable #1 was based on straight line depreciation. Jonauskas stated that he did not know his 2010 appraisal was being used as evidence for a 2011 appeal. Jonauskas also testified that he would have looked for sales closer to the January 1, 2011 assessment date if he would have been notified.

Under re-direct, Jonauskas testified that his comparables sold in 2009 and the real estate market started declining in 2007. Jonauskas stated that in some areas the real estate market was improving in 2011, but he did not have any data to answer about the subject's neighborhood.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$740,670. The subject's assessment reflects a market value of \$2,234,299 or \$411.40 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.

³ The board of review submitted the property record card which indicates the property features an in-ground pool and pool house that was omitted by the appellant.

Representing the board of review was member Charles Van Slyke. The board of review submitted a narrative report which was prepared by Downers Grove Chief Deputy Assessor Joni Gaddis. Van Slyke called Gaddis as a witness. Gaddis detailed the appellant's comparables and provided four sale comparables along with copies of the property record cards and a location map for all the comparables used by the parties.

Gaddis first testified about the additional comparable submitted by the appellant. Gaddis stated that this property is located over two miles from the subject property.

In support of its contention of the correct assessment Gaddis selected four comparable sales. Gaddis testified that the four suggested comparables are located in the same neighborhood code assigned by the assessor as the subject property. The comparables are improved with a part two-story, part three-story and part one-story single family dwellings that ranged in size from 5,884 to 6,597 square feet of living area. The dwellings were of frame or brick construction and were built from 1996 to 2006. Each comparable has a full or partial basement with three comparables having a finished basement. All the comparables have central air conditioning, three to five fireplaces and garages that range from 670 to 798 square feet of building area. Two comparables have an in-ground pool. One comparable has an elevator. The comparables sold from October 2009 to November 2010 for prices ranging from \$2,800,000 to \$4,150,000 or from \$450.96 to \$702.20 per square foot of living area, land included.

During cross-examination, Gaddis testified that the assessor's comparable #4 was a new construction sale. Gaddis stated that the home was built in 2006, but did not sell until October 2009.

In written rebuttal, the appellant addressed the comparables submitted by the board of review. The appellant reported that comparable #1 is superior in many features. The appellant contends that comparables #2 and #3 were partially financed by the seller.

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.

The Board gave the appraisal submitted by the appellant little weight due to its effective value dated January 1, 2010 in relation to the subject's January 1, 2011 assessment date. Additionally, the sales occurred from March 2009 to September 2009, which are somewhat dated and less indicative of fair market value as of the January 1, 2011 assessment date. The Board gave less weight to the appellant's additional comparable sale due to its distant location being over two miles from the subject property and its site size being considerably larger than the subject property. The Board gave less weight to the board of review comparable #4. This comparable sold in October 2009, which is dated and less indicative of fair market value as of the January 1, 2011 assessment date. The Board finds the best evidence of market value to be the board of review comparable sales #1 through #3. These comparables sold more proximate in time to the January 1, 2011 assessment date and have varying degrees of similarity to the subject in location, land size, age, design and features. These comparable sales sold for prices ranging from \$2,800,000 to \$3,600,000 or from \$447.79 to \$611.83 per square foot of living area, including land. The subject's assessment reflects a market value of \$2,234,299 or \$411.55 per square foot of living area, including land, which is lower than the range established by the best comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction 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.

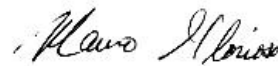
Chairman



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: September 18, 2015



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.