



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

APPELLANT: Debby Lifka
DOCKET NO.: 12-03330.001-R-1
PARCEL NO.: 09-07-106-020

The parties of record before the Property Tax Appeal Board are Debby Lifka, the appellant, by attorney 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: \$77,290
IMPR: \$249,360
TOTAL: \$326,650

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 exterior construction with 4,749 square feet of living area. The dwelling was constructed in 2007.

Features of the home include a full finished basement¹, central air conditioning, three fireplaces, a three stop elevator and a three-car garage with 888 square feet of building area. The property has a 15,878 square foot site and is located in Downers Grove, 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 her witness David Conaghan. Conaghan is employed by the PJC Group and is a Certified General Real Estate Appraiser licensed in Illinois. Conaghan testified that he also has the designation of Certified Illinois Assessing Officer. Conaghan testified that he has been a licensed appraiser for 12 years. Conaghan was accepted as an expert witness.

Conaghan 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, 2012. Conaghan 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 \$820,000 as of January 1, 2012.

Conaghan testified that the subject property is at the corner of Stonewall and Warren and is approximately 60 feet from the railroad tracks. Conaghan testified that there is usually a buffer between the railroad tracks and residential property, but in this case there is no buffer. Conaghan testified that the subject property has an elevator that was not included in the appraisal.

Under the sales comparison approach to value, the appraiser utilized three suggested sales located in Downers Grove from .43 to .69-of a mile from the subject property. The dwellings were described as two-story dwellings of frame, brick or brick and frame exterior construction. Each comparable has a full basement with two or three rooms finished. All the comparables have central air conditioning, two to five fireplaces and a two or three-car garage. The dwellings are from 3 to 22 years old.² The dwellings range in size from 3,285 to 4,679 square feet of

¹ The subject's basement has in-law living quarters and a three stop elevator based on the testimony from the board of review witness.

² The appraiser's grid analysis indicates that comparable #1, which is 22 years old has been updated.

living area and are situated on lots that range in size from 6,600 to 12,320 square feet of land area. The comparables sold from June 2010 to October 2011 for prices ranging from \$755,000 to \$850,000 or from \$168.84 to \$258.75 per square foot of living area including land. After adjusting the comparables for differences when compared to the subject in sales/financing, site size, quality of construction, age/condition, room count, dwelling size, baths and other amenities, the appraiser calculated that the comparables had adjusted sale prices ranging from \$734,245 to \$899,240 or from \$169.10 to \$273.74 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 \$820,000 or \$172.67 per square foot of living area including land as of January 1, 2012 using the sales comparison approach.

Conaghan testified that he did not submit interior photographs of the subject property. Conaghan testified that comparable #1 has a negative \$50,000 adjustment for brick construction. The amount of the adjustment was based on the appraiser's experience and his previous occupation as a building developer. Conaghan testified that comparable #1 is 4 times older than the subject property and made a positive \$50,000 adjustment for age based on long term items. Conaghan testified that the adjustment for differences in gross living area was \$35.00 per square foot of living area and the adjustment amount was developed based on his years of experience and the current market conditions. The appraiser stated that his adjustment for above grade bathrooms were \$15,000 for a full bath and \$10,000 for a half bath. The adjustment amounts were based on his experience. Conaghan testified that a \$5,000 adjustment for a garage is a standard adjustment based on his experience. Conaghan testified that comparable #2 was a foreclosure and was on the market for 161 days. Conaghan testified that comparable #3 had a positive \$15,000 adjustment for a site size and did not recall how he came up with the adjustment. Conaghan testified that the comparables were not located next to the railroad tracks and he did not make a location adjustment because it would be necessary to do a matched paired sales analysis. Conaghan testified that the elevator was an oversight by it not being in the appraisal, but it is a huge expense and limits potential buyers. Conaghan testified that he puts the greatest weight on comparable #2.

The appellant requested that the assessment be reduced based on the appraisal.

During cross-examination, Conaghan testified that the rooms in the basement included a bathroom, recreation room and a bedroom.

Conaghan testified that the \$35.00 per square foot adjustment for living area were from his years of experience. Conaghan testified that the adjustments for bathrooms, fireplace and garages were based on his years experience and not matched paired sales. Conaghan acknowledge that the adjustment for bathrooms for comparable #3 is incorrect and should be a negative \$20,000. Conaghan acknowledge that he did not include a sketch of the subject property in the appraisal, but page 23, question 2 under "Statement of limiting conditions and appraiser's certification" it states that the appraiser has provided a sketch in the appraisal. Conaghan also acknowledge that he did not perform a cost approach, but on page 11 of the appraisal under "EXTENT OF APPRAISAL PROCESS" the second line, a box is marked with a "x" and it states that "the Reproduction Cost is based on Marshall & Swift cost manual, as well as several interviews with local contractors and builders" supplemented by the appraiser's knowledge of the local market.

Under re-direct, Conaghan testified that if he would have made an adjustment for "view" the adjustment would have been a negative and he would have subtracted money from the sale price of the comparables.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$326,650. The subject's assessment reflects a market value of \$980,342 or \$206.43 per square foot of living area, including land, 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.

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 testified that she has the (CIAO) Certified Illinois Assessing Officer (CIAO) designation and is in good standing. Gaddis stated that she has been employed in the assessment field for approximately 32 years. 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 testified that the subject's land assessment has a -10% external obsolescence factor due to its location adjacent to railroad tracks.

In support of its contention of the correct assessment Gaddis selected four comparable sales. Gaddis testified that two of

the suggested comparables are located in the same neighborhood as the subject property and they were the largest homes that had sold. The comparables are improved with a part two-story and part one-story single family dwellings that ranged in size from 3,146 to 4,693 square feet of living area. The dwellings were of frame or brick construction and were built from 2001 to 2009. Each comparable has a full or partial basement with two comparables having a finished basement. All the comparables have central air conditioning, one to four fireplaces and garages that range from 462 to 1,104 square feet of building area. The comparables are situated on lots that range in size from 6,600 to 23,664 square feet of land area. The comparables sold from July 2011 to April 2012 for prices ranging from \$632,500 to \$1,200,000 or from \$194.00 to \$255.70 per square foot of living area, including land.

Gaddis testified that none of the comparables had an elevator or in-law quarters in the basement. Gaddis also testified that none of the comparables are located by the railroad tracks.

The board of review requested that the assessment be confirmed.

During cross-examination, Gaddis testified that Multiple Listing Service sheets (MLS) were not submitted with the evidence. Gaddis testified that comparable #1 was a "for sale by owner" and the PTAX-203 (Illinois Real Estate Transfer Declaration) stated that the property was advertised for sale, but she did not know how long the property was on the market. Gaddis testified that the subject's building assessment per square foot is superior to comparable #1 based on no elevator or in-law quarters. Gaddis stated that the subject is superior to comparable #2 based on no elevator and lack of finish in the basement. Gaddis testified that the subject is superior to comparable #3 due to no elevator and in-law quarters in the basement. Gaddis acknowledged that the subject improvement assessment is greater than the comparables improvement assessments on a per square foot basis. Gaddis testified that comparable #3 is frame exterior construction with stone trim and the stone is located on the front of the home. Gaddis testified that the subject has less stone trim than comparable #3. Gaddis testified that the subject is superior to comparable #4 due to no elevator, lack of basement finish and other amenities. Gaddis testified that the property records were updated for the 2011 general assessment period and they did not make interior inspections of the comparables. Gaddis testified that she did not know the terms of the mortgages of the comparables submitted by the assessor.

Under cross-examination, by the Administrative Law Judge, Gaddis explained that in-law quarters consist of a full bathroom, full kitchen, bedroom and living area. Gaddis testified that there is an elevator stop in the basement. Gaddis testified that the subject property was larger in dwelling size than all the comparables.

Under additional cross-examination by the appellant's attorney, Gaddis acknowledged that there was no indication of in-law quarters on the subject's property record card.

In written rebuttal, the appellant addressed the comparables submitted by the board of review. The appellant argued that the sales submitted by the board of review were unadjusted. The appellant reported that comparable #1 was not listed for sale on the open market. The appellant contends that comparable #3 is superior in many features.

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.

In this appeal, the appellant submitted an appraisal estimating the subject property had a market value of \$820,000 as of January 1, 2012. The appellants' appraisal witness relied on three suggested sales in estimating the market value of the subject property. The board of review provided four comparable sales in support of the subject's assessment. After reviewing the data and considering the testimony, the Board finds the appellants' valuation witness was neither credible nor persuasive. First, the appraiser failed to disclose in the appraisal that the subject property had a three stop elevator. Second, the appraiser made no adjustments to the comparables for "view" based on the subject property being located approximately sixty feet from the railroad tracks. Third, all adjustments were based on the appraiser's experience. However, there was no documentation submitted showing how these adjustments were

calculated in the appraisal. Fourth, page 11 of the appraisal indicates the appraiser calculated the cost approach to value, but on page 9 the cost approach to value was not developed. These unsupported arguments are problematic and undermined the value conclusion.

The Board finds seven comparables were submitted by both parties in support of their respective positions. The Board gave less weight to the appellant's appraisal comparable #3. This sale occurred in June 2010 which is dated and less indicative of fair market value as of the subject's January 1, 2012 assessment date. The Board gave less weight to the appellant's appraisal comparable #1 due to its considerably older age when compared to the subject. The Board also gave less weight to the board of review's comparable #1 and #2 which are dissimilar in size when compared to the subject. The Board finds the remaining three comparables are more similar to the subject in design, size, age and features. Due to these similarities the Board gave these comparables more weight. These most similar properties sold from in July 2011 and April 2012 for prices ranging from \$790,000 to \$1,200,000 or from \$168.84 to \$255.70 per square foot of living area including land. The subject's assessment reflects a market value of \$980,342 or \$206.43 per square foot of living area including land, which falls within the range established by the most similar 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

K. L. Fan

Mario Alvarez

Member

Member

JR

Member

Acting Member

Robert Hoffmann

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: February 19, 2016

A. Proctor

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.