



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

APPELLANT: Francis Di Iorio & Lorene Wu
DOCKET NO.: 12-03647.001-R-1
PARCEL NO.: 09-07-207-006

The parties of record before the Property Tax Appeal Board are Francis Di Iorio & Lorene Wu, the appellants, by attorney Liat R. Meisler, of Golan & Christie LLP 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: \$71,840
IMPR: \$240,810
TOTAL: \$312,650

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 and brick exterior construction with 3,962 square feet of living area. The dwelling was constructed in 2005. Features of the home include a 1,911 square foot, 75% finished basement, central air conditioning, a fireplace and an attached garage containing 844 square feet of building area.

The property has a 15,002 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, contending overvaluation as the basis of the appeal.¹ In support of this argument the appellant submitted information on five comparable sales located in the same neighborhood code assigned by the township assessor as the subject property. These comparables are described as a part two-story, part one-story, part three-story or a part two-story, part one-story or a part two-story, part three-story, part one-story or a part three-story, part two-story, part one-story dwelling of frame exterior construction that ranged in size from 3,022 to 4,270 square feet of living area. The dwellings were constructed from 1992 to 2009. Features of the comparables include basements that range in size from 1,438 to 1,740 square feet with one comparable having 75% finished area, central air conditioning, one or two fireplaces and garages ranging in size from 387 to 528 square feet of building area.² The comparables have sites of 6,600 or 15,000 square feet of land area.³ The comparables sold from March 2010 to September 2011 for prices ranging from \$622,000 to \$765,800 or from \$175.46 to \$215.06 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to reflect the market value of \$780,870 or \$197.09 per square foot of living area including land.

The appellant's attorney stated that the subject property sold July 1, 2009 for \$1,250,000. The appellant's attorney called no witnesses and acknowledged that her paralegal Jason Kuether with over 10 years experience working in the property tax appeal department prepared the evidence. Kuether was not present at the hearing to testify and be cross-examined.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of

¹ A consolidated hearing was held on residential appeals identified as Docket Nos. 12-03647.001-R-1, and 13-03696.001-R-1. Individual decisions will be rendered for each appeal based on the applicable evidence presented.

² The appellant's grid analysis did not contain information for the subject or comparables on finished basement area, central air conditioning or fireplaces. This information was obtained from the property record cards submitted by the board of review.

³ The appellant's grid analysis depicts comparable #5 has 17,250 square feet of land area which is an incorrect land calculation. This calculation included the 1.15 depth factor which is used in front foot calculations.

\$312,650. The subject's assessment reflects a market value of \$938,325 or \$236.83 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.

Representing the board of review was member Charles Van Slyke. Van Slyke called Downers Grove Chief Deputy Assessor Joni Gaddis as a witness.

The board of review submitted a narrative report detailing both parties' comparables which was prepared by Gaddis. Gaddis testified that board of review comparable sale #5 was a vacant land sale. Board of review comparables #1 through #4 were described as being improved with a part two-story and part one-story dwellings of frame exterior construction that ranged in size from 3,119 to 3,398 square feet of living area. The dwellings were of frame exterior construction and were built from 2007 to 2010. Features of the comparables include basements that range in size from 1,499 to 1,682 square feet with two comparables having 75% or 100% finished area, central air conditioning, one or three fireplaces and garages ranging in size from 479 to 626 square feet of building area. The comparables have sites that range in size from 6,600 to 13,200 square feet of land area. The improved comparables sold from June 2010 to December 2010 for prices ranging from \$775,000 to \$939,000 or from \$238.31 to \$276.34 per square foot of living area, land included.

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

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 finds the record contains ten comparable sales submitted by the parties in support of their respective

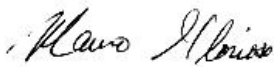
positions. The Board gave no weight to board of review comparable #5 based on this comparable being comprised of vacant land when the subject is an improved property. The Board gave less weight to the appellant's comparable #5 based on its older age when compared to the subject. The Board gave less weight to appellant's comparable #2 and board of reviews comparables #1 through #4. These sales occurred from March 2010 to December 2010, which are dated and less indicative of fair market value as of the subject's January 1, 2012 assessment date. The Board finds the best evidence of market value to be appellant's comparable sales #1, #3 and #4. These comparables sold for prices ranging from \$175.46 to \$206.11 per square foot of living area, including land. The subject's assessment reflects a market value of \$236.83 per square foot of living area, including land, which is above the range established by the comparable sales in this record. After considering adjustments to the comparables for differences such as land size, living area, exterior construction, basement area, garage size, design style and/or lack of basement finish when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Furthermore, the subject property sold in July 2009 for a market value of \$315.50 per square foot of living area including land, which tends to indicate the subject is not overvalued for assessment purposes. Based on this record, 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



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: May 22, 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.