



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

APPELLANT: Michael LaForte
DOCKET NO.: 12-03680.001-R-1
PARCEL NO.: 09-01-305-004

The parties of record before the Property Tax Appeal Board are Michael LaForte, the appellant, by attorney Franco A. Coladipietro of Amari & Locallo in Bloomingdale; 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: \$135,160
IMPR: \$240,840
TOTAL: \$376,000**

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 is improved with a part 1.5-story and part 1-story single family dwelling with approximately 3,563 square

feet of living area.¹ The dwelling was constructed in stages in 1943, 2001 and 2007. Features of the home include a basement that is partially finished, central air conditioning, three fireplaces and a two-car attached garage. The property has a 16,500 square foot site and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$1,000,000 as of January 1, 2012. The appraisal was prepared by Edward T. Pavlica, Jr., a certified residential real estate appraiser. In estimating the market value of the subject property the appraiser developed the cost approach to value and the sales comparison approach to value.

Under the cost approach the appraiser estimated the subject had a site value of \$525,000. The cost new of the improvements was estimated to be \$649,875 using the Marshall and Swift Residential Cost Handbook. Physical depreciation was estimated to be \$208,888 using the age/life method. Deducting physical depreciation resulted in a depreciated improvement value of \$440,987. Adding \$10,000 for the site improvements, the estimated land value and the depreciated improvement value resulted in an estimated value under the cost approach of \$976,000.

In developing the sales comparison approach to value the appraiser used five comparable sales improved with part two-story styled dwellings that ranged in size from 3,394 to 5,019 square feet of living area. Comparables #1, #4 and #5 ranged in age from 7 to 14 years old; comparable #2 was described as being 100+ years old; and comparable #3 was constructed in stages and ranged in age from 11 to 75 years old. Each comparable was described as having a basement with four being partially finished, central air conditioning, one to three fireplaces and a two-car or three-car garage. The comparables sold from June 2010 to September 2011 for prices ranging from \$950,000 to \$1,200,000 or from \$239.09 to \$302.00 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject and arrived at adjusted prices ranging from \$948,100 to \$1,088,000. Based on

¹ The appraisal indicated the subject dwelling had 3,563 square feet of living area while the board of review indicated the dwelling had 3,699 square feet of living area. The Board finds the best evidence of size to be the appellant's appraisal as it had the better schematic diagram and calculations of the dwelling size.

these sales the appellant estimated the subject property had an estimated market value under the sales comparison approach of \$1,000,000 or \$280.66 per square foot of living area, including land.

In reconciling the two approaches to value the appraiser gave most credence to the sales comparison approach and estimated the subject property had a market value of \$1,000,000 as of January 1, 2012.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$376,000. The subject's assessment reflects a market value of \$1,128,451 or \$316.71 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.

In support of its contention of the correct assessment the board of review submitted a narrative discussing the comparable sales used in the appellant's appraisal and also submitted information on four improved comparable sales and two sales used to demonstrate the value of land. Board of review comparable sales #1 through #4 were located in the subject's neighborhood and improved with part two-story dwellings that ranged in size from 3,088 to 3,729 square feet of living area. The dwellings were constructed from 1965 to 2003. Each comparable had a basement that was finished, central air conditioning, one to four fireplaces and garages ranging in size from 483 to 742 square feet of building area. The comparables sold from November 2010 to May 2012 for prices ranging from \$1,100,000 to \$1,565,000 or from \$337.90 to \$411.30 per square foot of living area, including land.

Comparable sales #5 and #6 were described as "tear downs" with sites of 7,248 and 7,150 square feet of land area, respectively. These comparables sold in December 2011 and September 2011 for prices of \$380,000 and \$250,000 or for \$52.43 and \$34.97 per square foot of land area, respectively. In light of these sales the board of review questioned the validity of the appellant's appraisers land adjustments in the sales comparison approach of \$1.00 per square foot of land area.

The board of review indicated all the improved comparable sales submitted by the parties had unadjusted prices ranging from \$239 to \$411 per square foot of living area, rounded. It also indicated the adjusted prices for the comparables ranged from

\$233 to \$334 per square foot of living area, including land, rounded. The board of review contends the subject's assessment reflects a market value of \$305 per square foot of living area, including land, when using 3,699 square feet of living area, which appeared to be fair.

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 best evidence of market value to be the comparable sales #1, #4 and #5 contained in the appellants' appraisal and comparable sales #1, #2 and #3 submitted by the board of review. These comparables had varying degrees of similarity to the subject and sold most proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$1,025,000 to \$1,565,000 or from \$249.64 to \$411.30 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,128,451 or \$316.71 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. Less weight was given appellant's appraisal comparable sale #2 and board of review sale #4 due to the sales occurring in 2010, not as proximate in time to the assessment date at issue as the remaining sales in the record. Less weight was given appellant's appraisal comparable sale #3 due to differences from the subject in size and location. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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: November 20, 2015

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.