



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

APPELLANT: Andrew Smith  
DOCKET NO.: 12-04030.001-R-1  
PARCEL NO.: 09-10-407-041

The parties of record before the Property Tax Appeal Board are Andrew Smith, the appellant, by attorney Jerri K. Bush, Attorney at Law, in Chicago, 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:** \$124,940  
**IMPR:** \$200,030  
**TOTAL:** \$324,970

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 construction with 3,480 square feet of living area. The dwelling was constructed in 1990. Features of

the home include a full basement with finished area,<sup>1</sup> central air conditioning, two fireplaces and a built-in two-car garage. The property has a 21,800 square foot site and is located in Clarendon Hills, 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 \$975,000 as of March 20, 2012. The appraisal considered the fee simple rights of the subject property for purposes of a refinance transaction.

The appraiser analyzed five sales and two active listings under the sales comparison approach to value to arrive at the final estimate of value. The comparables are located from .18 to .56 of a mile from the subject and the parcels range in size from 8,056 to 24,827 square feet of land area. The parcels are improved with two-story dwellings that range in age from 1 to 20 years old. The dwellings range in size from 2,852 to 4,270 square feet of living area. Each comparable has a basement with finished area, central air conditioning, one or two fireplaces and a two-car or a three-car garage. The sales occurred between May 2011 and March 2012. The sales or asking prices range from \$858,000 to \$1,199,000 or from \$244.63 to \$369.61 per square foot of living area, including land. The appraiser made adjustments to the listings for sale or financing concessions and to each of the comparables for differences in data of sale, lot size, age, room count, dwelling size and/or number of fireplaces. Given these adjustments, the appraiser opined adjusted sales prices ranging from \$879,000 to \$1,121,100.

As part of the addendum in the appraisal report, the appraiser discussed neighborhood market conditions with an analysis of the number of sales, the sales prices and the days on the market for the past six months, the past 12 months and the past 12-24 month periods. From this data, the appraiser concluded the market was declining.

The appraiser also noted that comparables may be located on opposite sides of major busy streets, expressways and the like, but the comparables utilized were from the subject's market area or competing market which buyers see as equal to the subject. The appraiser placed greatest weight on sale #1 due to its recent sale date and comparable #4 due to its similar size and dwelling size.

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<sup>1</sup> The appellant and the appellant's appraiser both reported a finished basement, but the assessing officials report an unfinished basement.

Based on this evidence, the appellant requests an 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 \$346,860. The subject's assessment reflects a market value of \$1,040,996 or \$299.14 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 response to the appeal, the board of review submitted a memorandum from the township assessor who noted that sales #2, #5, #6 and #7 from the appraisal report were located "in different neighborhoods than the subject" and no location adjustments were made by the appraiser. A map was submitted depicting the location of both parties' comparable sales. The assessor also questioned the site size adjustments that were from \$1.69 to \$1.98 per square foot of land area despite a determination in the cost approach that site value was equivalent to \$13.28 per square foot of land area.

In addition, the township assessor reported adjustments to the comparables of both parties for differences from the subject, which were based on the individual components in the cost approach to value that were used to calculate the original assessments for the subject and the comparables. Those "adjusted" sales prices range from \$245 to \$355 per square foot of living area, including land, rounded.

The township assessor also addressed differences between the subject and the comparables in the appraisal in lot size, dwelling size, exterior construction, full baths and half baths, number of plumbing fixtures and/or number of fireplaces.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five improved comparable sales and one "tear down" sale for land value. The comparables were located within the subject's "neighborhood." The parcels range in size from 10,008 to 12,349 square feet of land area which are improved with multi-level dwellings of frame, brick or frame and brick exterior construction. The homes were built between 2002 and 2005 and range in size from 3,496 to 3,910 square feet of living area. Each comparable has a full basement, four of which have finished area. The homes have one to four fireplaces and garages ranging

in size from 484 to 701 square feet of building area. The properties sold between August 2010 and August 2011 for prices ranging from \$1,100,000 to \$1,375,000 or from \$294 to \$352 per square foot of living area, including land, rounded. The tear down sale reflected a land only value of \$470,000 or \$35.15 per square foot of land area based on a September 2011 sale price.

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 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 appellant with an estimated market value as of March 20, 2012 of \$975,000 or \$280.17 per square foot of living area, including land. The appraiser analyzed dwellings that were similar to the subject in design/story height, which bracketed the subject in age and which bracketed the subject in living area. All of the sales also occurred in 2011 or 2012 or were active listings. The appraiser also placed most reliance upon the two sales that were most similar to the subject in age and which bracketed the subject's dwelling size. The Property Tax Appeal Board gave reduced weight to the board of review comparable sales which were each substantially newer than the subject, had finished basement areas and/or differed in story height/design from the subject property.

The subject's assessment reflects a market value of \$1,040,996 or \$299.14 per square foot of living area, including land, which is above the appraised value. The Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is 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.

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Chairman

*K. L. Fan*

*Klaus Albrecht*

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Member

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Member

*JR*

*Jerry White*

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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*

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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.