



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

APPELLANT: Syed Husain
DOCKET NO.: 13-02770.001-R-1
PARCEL NO.: 09-02-410-009

The parties of record before the Property Tax Appeal Board are Syed Husain, the appellant, by attorney David Lavin of Robert H. Rosenfeld and Associates, LLC 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: \$112,290
IMPR: \$121,043
TOTAL: \$233,333

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 2013 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 split-level single-family dwelling of brick construction with approximately 2,673 square feet of living area. The dwelling was constructed in 1956 with an addition in 1966. Features of the home include a walkout-style partial basement/lower level with finished area, central air conditioning, two fireplaces and a built-in two-car garage.

The property has a 16,284 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 \$700,000 as of January 13, 2012.

For the sales comparison approach to value, the appraiser analyzed four sales and two active listings of comparables located within .57 of a mile of the subject property. The comparables consist of a "farmhouse," a Cape Cod, a split-level and three, two-story dwellings that range in age from 24 to 110 years old. The homes range in size from 2,292 to 2,794 square feet of living area and feature basements/lower levels of which five have finished areas. Each home has central air conditioning, one or two fireplaces and a two-car garage. Four of the properties sold between January and December 2011. These comparables sold or had asking prices ranging from \$565,000 to \$750,000 or from \$222.27 to \$298.87 per square foot of living area, including land.

The appraiser made adjustments to the comparables for date of sale/time and/or for differences when compared to the subject in site, age, room count, dwelling size, basement size and/or finish and/or number of fireplaces. From this process, the appraiser concluded adjusted sales prices for the comparables ranging from \$628,638 to \$773,680. As part of the report, the appraiser explained that due to the limited number of sales, the appraiser found it necessary to use sales that vary in style and/or gross living area from the subject. Size adjustments were made at \$30 per square foot and basement adjustments were made after review of sales with and without these features.

Based on the foregoing evidence, the appellant requested an assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$263,770. The subject's assessment reflects a market value of \$719,627 or \$296.16 per square foot of living area, land included, when using the 2013 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 and data gathered by the Downers Grove Township

Assessor. In the memorandum, the assessor noted that the appellant's appraisal was prepared for refinancing with "minimal" land adjustments. Moreover, "all" appellant comparables differ in story height from the subject which the assessing officials describe as a one-story dwelling.¹

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable improved sales and two sales reflecting the land value, all of which were located in the same "HE" neighborhood code assigned by the assessor as the subject property. The comparables consist of two, one-story, a two-story and two, part two-story and part one-story dwellings of frame, brick or frame and brick construction which were built between 1926 and 1987. The homes range in size from 1,524 to 2,710 square feet of living area and feature full or partial unfinished basements. Three of the homes have central air conditioning and each has a fireplace and a garage ranging in size from 220 to 810 square feet of building area. These comparables sold between February 2012 and March 2013 for prices ranging from \$690,000 to \$935,000 or from \$297 to \$431 per square foot of living area, including land, rounded. The township assessor argued in the memorandum that comparable sales #1 and #2 were most comparable to the subject as one-story dwellings with sales prices of \$402 and \$389 per square foot of living area, including land, rounded.

The two land sales of 7,248 and 12,536 square feet of land area reportedly reflected sales prices of \$50 and \$52 per square foot of land area, rounded.

Based on this evidence and argument, 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.

¹ The Property Tax Appeal Board finds the photographic and schematic drawing evidence depict the dwelling to be a split-level home.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an estimated market value of \$700,000 as of January 13, 2012. The Board gave reduced weight to the board of review comparable sales which differ from the subject in design, age and/or dwelling size when compared to the subject split-level home that was originally built in 1956 and contains approximately 2,673 square feet of living area.

The subject's assessment reflects a market value of \$719,627 or \$296.16 per square foot of living area, including land, which is above the appraised value of \$700,000. The Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request 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

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.