



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

APPELLANT: John Gilmore
DOCKET NO.: 13-02781.001-R-1
PARCEL NO.: 08-32-408-019

The parties of record before the Property Tax Appeal Board are John Gilmore, 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: \$49,100
IMPR: \$132,566
TOTAL: \$181,666**

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 two-story single-family dwelling of brick and cedar exterior construction with

approximately 3,983 square feet of living area.¹ The dwelling was constructed in 1994. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached three-car garage of 759 square feet of building area. The property has a 17,408 square foot site and is located in Naperville, Lisle 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 \$545,000 as of January 22, 2013.

The appraiser performed both a comparable sales and cost approach analysis for the subject property. For the sales, the appraiser considered four sales and two listings. After making adjustments to the comparables for differences from the subject, the appraiser opined a market value for the subject of \$545,000 under the sales comparison approach. In the cost approach to value, the appraiser opined a market value for the subject of \$549,300.

Based on this evidence, the appellant requested an assessment reflective of the appraised value conclusion of \$545,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$198,630. The subject's assessment reflects a market value of \$596,128 or \$149.67 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 grid analysis prepared by the Lisle Township Assessor's Office. At the top portion of the grid, there were three comments about the appellant's appraisal report. First, it was noted that the appraisal was prepared for a refinance transaction with a valuation date of January 22, 2013. Second, the author of the grid noted that the average sales price per square foot of the sales in the appraisal was \$148.04 as compared to the appraisal's value conclusion for the subject of \$136.18 per

¹ The assessing officials reported a dwelling size of 4,002 square feet, but the attached property record card lacked a schematic drawing to support the stated dwelling size. The appellant's appraisal report included a schematic drawing to support the stated dwelling size reported by the appraiser. Moreover, the Property Tax Appeal Board finds the slight size discrepancy of 19 square feet does not prevent a determination of the correct assessment of the property on this record.

square foot of living area, including land. Third, appraisal sale #3 was reported to be in DuPage Township, Will County.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales, where comparables #1, #2 and #3 were each contained within the appellant's appraisal report. The new suggested comparable #4 consists of a frame two-story dwelling that was built in 1990. The home contains 3,374 square feet of living area with an unfinished basement, central air conditioning, two fireplaces and an attached 506 square foot garage. This property sold in June 2012 for \$499,000 or \$147.90 per square foot of living area, including land.

Based on the foregoing comparable sales 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.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an estimated market value of \$545,000. The appraiser analyzed sales and listings which ranged from \$500,500 to \$585,900 and made adjustments to the comparables for differences such as land area, view, room count, dwelling size, basement finish/rooms below grade and/or garage size. The comparables had varying degrees of similarity to the subject property and the adjustments made by the appraiser appear to be reasonable and consistent for differences notes. The appraiser also performed a cost approach to value which further supported the value conclusion. The Property Tax Appeal Board also finds no merit in the board of review's argument that appraisal sale #3 was located in a different township and county than the subject. To establish that this was an inappropriate comparable, the board of review should have presented evidence that appraisal sale #3 is not in the same competitive market as the subject; on this record, there is no basis to discount this comparable sale. Moreover, the sale

price of appraisal sale #3 was the second highest price in the appraisal report; after adjustments the appraiser's estimated market value for this property was \$548,600, which further supports the value conclusion.

The Board has given little weight to board of review comparable sale #4 which lacked adjustments for differences from the subject. Additionally, this comparable is substantially smaller than the subject dwelling. Moreover, the Property Tax Appeal Board finds that none of the sales presented by the board of review reflect a recent sale price near to \$600,000, which is the approximate market value assigned to the subject property based on its assessment. Specifically, the subject's assessment reflects a market value of \$596,128 or \$149.67 per square foot of living area, including land, which is above the appraised value and further not supported by any of the sales in the record. It is notable that board of review unadjusted comparable sale #4 sold for \$499,000 or \$147.90 per square foot of living area, including land, in June 2012, which is less than the subject's valuation.

In conclusion, 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



Member



Member



Acting Member



Member



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



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.