



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

APPELLANT: Steven Miller
DOCKET NO.: 13-03293.001-R-1
PARCEL NO.: 08-27-101-005

The parties of record before the Property Tax Appeal Board are Steven Miller, 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: \$179,250
IMPR.: \$30,750
TOTAL: \$210,000

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) contesting 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 part one-story and part two-story single family dwelling of frame and brick construction with 2,797 square feet of living area. The dwelling was constructed in 1966. Features of the home include a partial basement that is partially finished, central air conditioning, two fireplaces and a two-car attached garage. The property has

a 109,578 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 \$575,000 as of January 1, 2012. The appraisal was prepared by Paul J. Piekos, Certified Residential Real Estate Appraiser. The client was identified as the appellant and the intended use of the appraisal was for a tax appeal.

In estimating the market value of the subject property the appraiser first estimated the value of the subject site to be \$475,000 using three comparable sales. The appraiser described land sale #1 as a vacant land sale while comparables #2 and #3 were described as having improvements but were marketed as tear downs.

In estimating the market value of the subject property as improved the appraiser developed the sales comparison approach using three sales improved with a colonial style home, a contemporary style home and a ranch style dwelling that ranged in size from 2,420 to 3,290 square feet of living area. The dwellings ranged in age from 25 to 63 years old. Each comparable had a basement that was partially finished, central air conditioning, one or three fireplaces and a two-car or a three-car garage. These properties had sites ranging in size from 43,560 to 115,819 square feet of land area. The comparables sold from May 2010 to December 2011 for prices ranging from \$400,000 to \$735,000 or from \$165.29 to \$223.40 per square foot of living area, including land. The appraiser made adjustments to the comparables for date of sale, land area and for differences from the subject dwelling to arrive at adjusted prices ranging from \$495,615 to \$931,920. In conclusion the appraiser estimated the subject had a market value of \$575,000.

Based on this evidence the appellant requested the subject's assessment be reduced to \$191,666 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$242,850. The subject's assessment reflects a market value of \$728,842 or \$260.58 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 support of its contention of the correct assessment the board of review submitted evidence provided by the Lisle Township Assessor's Office which included three vacant land sales and three improved sales. The three vacant land sales ranged in size from 2.41 to 3.46 acres and sold from March 2011 to August 2012 for prices ranging from \$811,000 to \$1,100,000 or from \$317,919 to \$348,837 per acre. The subject property has a land assessment of \$179,250 which reflects a market value of \$537,965 or \$213,478 per acre 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.

The three improved comparable sales were improved with one one-story dwelling and two two-story dwellings that ranged in size from 3,106 to 3,290 square feet of living area. The dwellings were constructed from 1960 to 1987. Each comparable had a basement with two being partially finished, central air conditioning, one or two fireplaces and garages ranging in size from 646 to 1,404 square feet of building area. The sales occurred from May 2010 to April 2013 for prices ranging from \$722,000 to \$900,000 or from \$223.40 to \$274.98 per square foot of living area, including land. Board of review sale #5 was the same property as appellant's appraisal improved sale #2.

The board of review requested confirmation of the 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 evidence in the record supports a reduction to the subject's assessment.

The Board finds the best evidence of market value to be appellant's appraisal improved comparable sale #1 and board of review sale #6. These properties were improved with two-story style dwellings of frame construction with 3,250 and 3,106 square feet of living area, respectively. These comparable had relatively similar features as the subject property. The sales occurred in November 2011 and April 2013 for prices of \$633,000 and \$722,000 or for \$194.77 and \$232.45 per square foot of

living area, including land. The subject's assessment reflects a market value of \$728,842 or \$260.58 per square foot of living area, including land, which is above the range established by the best comparable sales in the record. Less weight was given the conclusion of value contained in the appraisal as the effective date as one year prior to the assessment date at issue. Less weight was given appellant's appraisal improved sale #2 and board of review sale #5 (which are the same property) as this comparable sold in May 2010, not proximate in time to the assessment date. Less weight was given appellant's appraisal improved sale #3 and board of review comparable sale #4 as each of these comparables was improved with a one-story dwelling, differing in style from the subject dwelling. Based on this evidence the Board finds a reduction in the subject's assessment 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.

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: December 18, 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.