



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

APPELLANT: Laura Michaud
DOCKET NO.: 13-03311.001-R-1
PARCEL NO.: 06-12-116-001

The parties of record before the Property Tax Appeal Board are Laura Michaud, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; 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: \$89,450
IMPR.: \$335,570
TOTAL: \$425,020

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 two-story and part three-story single family dwelling of masonry and frame construction with 5,536 square feet of living area. The dwelling was constructed in 2001. Features of the home include a full basement that is partially finished, central air conditioning, two fireplaces and a four-car garage attached.

The property has a 16,200 square foot site and is located in Elmhurst, York 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 \$1,060,000 as of January 1, 2013. The appraisal was prepared by John B. Murphy, Certified Residential Real Estate Appraiser; Harry M. Fishman, Certified General Real Estate Appraiser; and Mitchell J. Perlow, Certified General Real Estate Appraiser.

In estimating the market value of the subject property the sales comparison approach to value was developed using three comparable sales improved with two two-story dwellings and a part two-story and part three-story single family dwellings that ranged in size from 4,165 to 5,090 square feet of living area. The dwellings were constructed from 2001 to 2006. Each comparable had a full basement with finished area, each comparable had central air conditioning, each comparable had one or two fireplaces and each comparable had a two-car or a three-car garage. The sales occurred from May 2012 to November 2012 for prices ranging from \$820,000 to \$990,000 or from \$194.50 to \$196.88 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject property the appraisers arrived at adjusted prices ranging from \$1,007,750 to \$1,080,970. Based on this analysis the appraisers estimated the subject property had a market value of \$1,060,000 as of January 1, 2013.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$425,020. The subject's assessment reflects a market value of \$1,275,570 or \$230.41 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 a memorandum from the York Township Assessor's Office and a grid analysis of the appellant's appraisal comparable sales and six comparables identified by the township assessor. The board of review submission also included maps noting the location of the appellant's appraisal comparable sales and the comparable sales selected by the assessor.

In rebuttal the assessor indicated the comparables contained in the appellant's appraisal were not located in the same neighborhood as the subject property.

In support of the assessment the assessor identified six sales located in the same neighborhood as the subject property that were described as being improved with two-story dwellings of various exterior construction that ranged in size from 3,482 to 5,034 square feet of living area. The dwellings were constructed from 1911 to 2003. The grid provided by the assessor indicated that each comparable had a basement ranging in size from 1,482 to 2,662 square feet and each comparable had a two-car or a three-car garage. These properties had lots that ranged in size from 9,617 to 21,442 square feet of land area. The sales occurred from October 2011 to April 2013 for prices ranging from \$840,000 to \$1,385,000 or from \$205.21 to \$275.13 per square foot of living area, including land. The assessor asserted that the sales prices of these comparables show that the subject's neighborhood holds much higher values as it is a more desirable and sought after location.

In rebuttal, the appellant's counsel argued the board of review submitted information on raw/unconfirmed/unadjusted sales and provided no data to confirm property characteristics for the comparables. The appellant argued board of review comparable #1 sold 15 months prior to the assessment date, was not listed on the open market and was a "cash transaction"; appellant contends board of review sale #3 was superior to the subject in land area; appellant argued board of review sale #4 sold four months after assessment date and had superior features than the subject property as reported on the Multiple Listing Service listing; appellant contends comparable sale #5 was significantly smaller than the subject which would result in a higher price per square foot; and appellant asserted comparable sale #6 was significantly smaller than the subject which would result in a higher price per square foot

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 record contains three comparable sales contained in the appellant's appraisal and six comparable sales provided by the board of review. The comparable sales presented by the parties were relatively similar to the subject in style, size and features. The comparables contained in the appraisal were located in a different assessment neighborhood than the subject property. The comparables provided by the board of review were more similar to the subject in location. In all the comparables in this record sold from October 2010 to April 2013 for prices ranging from \$820,000 to \$1,385,000 or from \$194.50 to \$275.13 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,275,570 or \$230.41 per square foot of living area, including land, which is within the range established by the comparable sales in the record. Importantly, the Board finds four of the comparables provided by the board of review sold proximate in time to the assessment date at issue and were most similar to the subject in location. These four comparables had prices ranging from \$840,000 to \$1,180,000 or from \$241.24 to \$274.10 per square foot of living area, including land. The subject's assessment reflects a market value below these comparables on a square foot basis. The Board further finds the comparables contained in the appellant's appraisal sold for unit prices ranging from \$194.50 to \$196.88 per square foot of living area. The appellant's appraisers arrived at an estimated market value for the subject property of \$1,060,000 or \$191.47 per square foot of living area, below the range established by the comparables on a square foot basis, which undermines the appraised value. 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



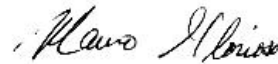
Member



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: February 19, 2016



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.