



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

APPELLANT: James Cannon
DOCKET NO.: 13-03638.001-R-1
PARCEL NO.: 09-08-417-036

The parties of record before the Property Tax Appeal Board are James Cannon, the appellant, by attorney Abby L. Strauss of Schiller Klein PC 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: \$112,840
IMPR.: \$139,660
TOTAL: \$252,500

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 is improved with a two-story dwelling of frame and brick construction with approximately 3,280 square feet of living area. The dwelling was constructed in 1993. Features of the home include a crawl space foundation, central air conditioning, two fireplaces, a three-car attached garage and an eight car detached garage with a combined garage area of 3,180 square feet of building area. The property has a 39,867 square foot site and is located in Downers Grove, 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 \$650,000 as of November 13, 2012. The appraisal was prepared by Joseph A. Heckman, a Certified Residential Real Estate Appraiser, and Thomas M. Schmidt, a Certified Residential Real Estate Appraiser. The appraisal identified the assignment type as a refinance transaction and the client was identified as MB Financial Bank, N.A. In estimating the market value of the subject property the appraisers developed the sales comparison approach to value using three comparable sales and one listing. The comparables were improved with two-story dwellings that ranged in size from 3,305 to 3,973 square feet of living area and ranged in age from 2 to 31 years old. Each comparable had a basement with two being partially finished; each comparable had central air conditioning; the comparables had from 1 to 5 fireplaces; and each comparable a 2-car, 3-car or a 4-car garage. The comparables had sites ranging in size from 11,184 to 30,168 square feet of land area. Comparables #1 through #3 sold from June 2012 to November 2012 for prices ranging from \$642,500 to \$720,000 or from \$181.22 to \$196.60 per square foot of living area, including land. Comparable #4 was a listing that had an asking price of \$719,900 or \$196.10 per square foot of living area, including land. The appraisers made adjustments to the comparables for differences from the subject and due to the fact comparable #4 was a listing to arrive at adjusted prices ranging from \$645,750 to \$665,160. Using these sales the appraisers arrived at an estimated market value of \$650,000. Based on this evidence the appellant requested the subject's assessment be reduced to \$216,666.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$286,810. The subject's assessment reflects a market value of \$860,774 or \$262.43 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 information on three comparable sales identified by the township assessor. The comparables were improved with part two-story and part one-story dwellings that ranged in size from 2,819 to 3,675 square feet of living area. The comparables were constructed from 2003 to 2007. Each comparable had a full basement with one being finished, each comparable had central air conditioning, each comparable had a fireplace and each comparable had a garage ranging in size from 502 to 778 square feet of building area. The comparables had sites ranging in size from 6,570 to 10,969 square feet of land area. The sales occurred from December 2011 to August 2012 for prices ranging from \$738,500 to \$849,000 or from \$231.02 to \$287.28 per square foot of living area, including land. The board of review noted the subject land has economic obsolescence due to the allowance for a retention/detention area.

In its written submission the board of review noted the subject's detached garage had an assessed value of \$25,749.

In rebuttal the board of review asserted the appellant's appraisal was to be used by the lender/client, identified as MB Financial Bank, N.A., to evaluate the property for a mortgage-finance transaction.

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 appellant submitted an appraisal containing three comparable sales and one listing while the board of review provided three comparable sales. The Board finds the subject property had a crawl space foundation while each comparable had a basement with three being finished, making these properties superior to the subject in this aspect. The subject property, however, has an additional detached garage with 2,296 square feet that the comparables do not have, making the subject superior in this feature. Additionally, the subject property has a larger site than each of the comparables; however, a portion of the subject site has a retention/detention area. The Board further finds that appraisal comparable sales #2 and #4 as well as the board of review comparables were superior to the subject in age. The comparables in this record had sales or listing prices ranging from \$642,500 to \$849,000 or from \$181.22 to \$287.28 per square foot of living area, including land. The subject's assessment reflects a market value of \$860,774 or \$262.43 per square foot of living area, including land, which is above the range established by the overall purchase prices of the comparables and above all but one comparable sale on a square foot basis. After considering the differences between the subject property and the comparables in age, features and land area; 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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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: April 22, 2016

A. Heston

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.