



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

APPELLANT: Bob Ferrari
DOCKET NO.: 13-03645.001-R-1
PARCEL NO.: 03-24-405-008

The parties of record before the Property Tax Appeal Board are Bob Ferrari, the appellant, by attorney Nora Doherty of Steven B. Pearlman & Associates in Chicago; 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: \$29,460
IMPR.: \$101,220
TOTAL: \$130,680

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 brick construction with 3,986 square feet of living area. The dwelling was constructed in 1975. Features of the home include an unfinished basement, central air conditioning, two fireplaces and an attached garage with 600 square feet of building area. The property has a 14,279 square foot site and is located in Bensenville, Addison 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 \$345,000 as of August 25, 2011. The appraisal was prepared by Daniel Casey,

a Certified Residential Real Estate Appraiser. The appraiser identified FirstMerit as the client and the assignment type was described as being for financial and decision making purposes.

In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using three comparable sales and two listings improved with two-story dwellings that ranged in size from 2,124 to 4,565 square feet of living area. The dwellings ranged in age from 5 to 54 years old. Each comparable has a basement with two having finished area, central air conditioning and a two-car or a three-car garage. Four of the comparables each had one fireplace. Comparables #1 through #3 sold from November 2010 to June 2011 for prices ranging from \$309,000 to \$412,000 or from \$90.25 to \$114.36 per square foot of living area, including land. Comparables #4 and #5 had list prices of \$385,900 and \$499,000 or \$181.69 and \$137.01 per square foot of living area, including land, respectively. After making adjustments to the comparables for date of sale/listings as well as for differences from the subject the appraiser arrived at adjusted prices ranging from \$339,100 to \$486,000.

Based on this evidence the appellant requested the subject's assessment be reduced to \$115,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$130,680. The subject's assessment reflects a market value of \$392,197 or \$98.39 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 five comparable sales identified by the township assessor. The comparables were improved with two-story dwellings of frame, brick or brick and frame exterior construction that ranged in size from 2,320 to 3,844 square feet of living area. The dwellings were constructed from 1972 to 2002. Each comparable had a basement with one being partially finished, central air conditioning and an attached or built-in garage that ranged in size from 480 to 724 square feet of building area. Three comparables each had one fireplace. The comparables sold from February 2010 to May 2013 for prices ranging from \$325,000 to \$540,000 or from \$131.86 to \$171.68 per square foot of living area, including land. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains an appraisal submitted by the appellant and comparable sales provided by the board of review to support their respective positions. The Board gives little weight to the conclusion of value contained in the appellant's appraisal as the effective date was approximately 16 months prior to the assessment date at issue and the sales in the report occurred in 2010 and 2011 not proximate in time to the assessment date at issue. Similarly, comparable sales #1 through #3 submitted by the board of review sold in 2010, not proximate in time to the assessment date at issue, and were given little weight. The two sales that occurred most proximate in time to the assessment date at issue were board of review sales #4 and #5 that sold in June 2012 and May 2013 for prices of \$399,999 and \$540,000 or for \$139.71 and \$140.48 per square foot of living area, including land, respectively. These comparables were significantly newer than the subject dwelling being built in 1999 and 2002, respectively. The subject's assessment reflects a market value of \$392,197 or \$98.39 per square foot of living area, including land, which is below that established by the best comparable sales in the record but justified when considering differences in age. Based on this evidence the Board finds a reduction in the subject's assessment is not 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.

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.