



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

APPELLANT: Ronald & Nancy Cruise
DOCKET NO.: 13-03884.001-R-1
PARCEL NO.: 07-02-100-005

The parties of record before the Property Tax Appeal Board are Ronald and Nancy Cruise, the appellants, and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$29,900
IMPR.: \$55,760
TOTAL: \$85,660

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 construction with 1,567 square feet of living area. The dwelling was constructed in 1988. Features of the home include a full basement that is partially finished, central air conditioning, one fireplace and a two-car attached garage¹. The property is located in Warrenville, Naperville Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on three comparable sales and an appraisal of the subject property. The comparable sales were improved with two-story dwellings of frame construction that ranged in size from 1,397 to 2,378 square feet of living area. The dwellings sold from August 2012 to November 2013 for prices ranging from \$111,515 to \$233,000 or from \$79.82 to \$107.63 per square foot of living area, including land. The appellants submitted copies of the Multiple Listing Service (MLS) listing sheets to document the sales.

¹ The description of the subject property was obtained from the appraisal submitted by the appellants.

The appraisal submitted by the appellants was prepared by James Mahoney a Certified Residential Real Estate Appraiser. The client was identified as Bank of America, N.A. and the purpose of the appraisal was a refinance transaction. In estimating the market value of the subject property the appraiser developed the cost approach to value and the sales comparison approach to value. Under the cost approach the appraiser arrived at an estimated market value of \$268,700. Under the sales comparison approach to value the appraiser used four comparable sales and one listing to arrive at an estimated market value of \$257,000. In reconciling the two approaches to value the appraiser place most weight on the sales comparison approach and arrived at an estimated market value of \$257,000 as of December 20, 2012.

Based on this evidence the appellants requested the subject's assessment be reduced to \$64,327.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$89,120. The subject's assessment reflects a market value of \$267,467 or \$170.69 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 Naperville Township Assessor's office improved with two ranch style dwellings and one bi-level style dwellings. The dwellings ranged in size from 1,314 to 1,567 square feet of living area and were constructed from 1958 to 1967. The sales occurred from March 2012 to June 2013 for prices ranging from \$251,000 to \$320,000 or from \$175.15 to \$204.21 per square foot of living area, including land.

The board of review also submitted a grid analysis of the comparables purportedly used by the appellants, however, these comparables were not submitted by the appellants before the Property Tax Appeal Board.

In rebuttal the appellants noted that the board of review comments about their comparables was misleading due to the fact those comparables were used before the board of review while new comparables were supplied to the Property Tax Appeal Board. The appellants also asserted the board of review comparables were located in Naperville while the subject has a Warrenville address.

Conclusion of Law

The appellants contend 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 appellants 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 of the subject property submitted by the appellants estimating the subject property had a market value of \$257,000 as of

December 20, 2012. The appraiser developed both the cost approach to value and the sales comparison approach to value in arriving at his value conclusion. The appraised value was less than the market value reflected by the subject's assessment. Less weight was given the comparable sales provided the appellants due to the fact that two of the sales were described as being REO/Lender Owned, Pre-Foreclosure on the MLS listing sheets calling into question the arm's length nature of the sales. Furthermore, two of the sales were not similar to the subject dwelling in size. Little weight was given the comparable sales provided by the board of review as they differed from the subject in location, style and age. Based on this evidence and giving most weight to the appraisal submitted by the appellants, 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



Member

Member



Member

Member

DISSENTING: _____

CERTIFICATION

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: May 20, 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.