



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

APPELLANT: Rita L. Austin Trust
DOCKET NO.: 13-03995.001-R-1
PARCEL NO.: 09-15-406-060

The parties of record before the Property Tax Appeal Board are Rita L. Austin Trust, the appellant, by attorney Arnold G. Siegel, of Siegel & Callahan, P.C. in Chicago; 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: \$43,390
IMPR.: \$173,190
TOTAL: \$216,580

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 consists of a part one-story and part two-story dwelling of brick and frame construction with 5,042 square feet of living area.¹ The dwelling was originally constructed in 1990 with additions in 1996 and 2001. Features of the home include a full basement, central air conditioning, two fireplaces and a two-car garage. The property has a 13,000 square foot site and is located in Willowbrook, 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 July 9, 2013. The appraisal was prepared for a mortgage refinance transaction.

¹ The board of review reported the subject's size of 5,044. The Board finds this minor difference will have not impact the Board's decision herein.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$268,450. The subject's assessment reflects a market value of \$805,672 or \$159.79 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 that sold from June 2012 to May 2013 for prices ranging from \$173.24 to \$227.05 per square foot of living area, including land.

The appellant filed rebuttal evidence arguing against the unadjusted sales used by the board of review.

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 best evidence of market value to be the appraisal submitted by the appellant. The board of review's unadjusted comparable sales were given less weight in the Board's analysis based on their dissimilar size and/or age when compared to the subject. The subject's assessment reflects a market value of \$805,672 or \$159.79 per square foot of living area, land included, which is above the appraised value. The Board finds the appraiser made logical adjustments to the comparables to account for any differences in the comparables when compared to the subject. Further, the majority of the sales in the appraisal report were more proximate in time to the assessment date in question and contained various similar features to the subject. The Board finds the subject property had a market value of \$650,000 as of the assessment date at issue. Since market value has been established the 2013 three year average median level of assessments for DuPage County of 33.32% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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: July 22, 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.