



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

APPELLANT: Mark Wieting
DOCKET NO.: 15-04989.001-R-1
PARCEL NO.: 05-14-109-022

The parties of record before the Property Tax Appeal Board are Mark Wieting, the appellant, by attorney William I. Sandrick of the Sandrick Law Firm LLC in South Holland; and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$39,030
IMPR.: \$167,250
TOTAL: \$206,280

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 2015 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 3,229 square feet of living area. The dwelling was constructed in 1978. Features of the home include a basement with a recreation room, central air conditioning, one fireplace and a two-car attached garage with 460 square feet of building area. The property has a 9,692 square foot site and is located in Glen Ellyn, Milton 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 \$368,000 as of January 1, 2015. The appraisal was prepared by Michael J. DeSuno, a certified residential real estate appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using three comparable sales described as being improved with two-story dwellings that ranged in size from 2,868 to 3,473 square feet of

living area. The dwellings ranged in age from 10 to 86 years old and were located from 1.41 to 2.61 miles from the subject property. Each comparable had a basement, central air conditioning and a two-car or a three-car garage. The appraiser reported the dwellings sold in May 2013 and August 2013 for prices ranging from \$368,000 to \$395,000 or from \$113.73 to \$132.50 per square foot of living area, including land. However, a copy of the Multiple Listing Service listing sheet for appraisal comparable sale #3 submitted by the appellant reported a price of \$380,000 rather than \$368,000 used by the appraiser. The appraiser made adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$360,100 to \$386,200. Based on these sales the appraiser estimated the subject property had a market value of \$368,000 as of January 1, 2015.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$206,280. The subject's assessment reflects a market value of \$619,459 or \$191.84 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for DuPage County of 33.30% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a narrative statement from the Milton Township Assessor's office and information on six comparable sales. The assessor's office explained the subject property had a second story addition to the original living area of 2,268 square feet that expanded the dwelling to 3,229 square feet of living area.

The six comparable sales identified by the assessor were improved with two-story dwellings that ranged in size from 3,008 to 3,500 square feet of living area. The dwellings were constructed from 1913 to 1993 and had the same assessment neighborhood code as the subject property. Each comparable had a basement with two being partially finished, each comparable had central air conditioning, five comparables had one or two fireplaces and each comparable had a two-car or a three-car garage ranging in size from 484 to 744 square feet of building area. The sales occurred from June 2012 to December 2014 for prices ranging from \$620,000 to \$750,000 or from \$181.43 to \$245.86 per square foot of living area.

In rebuttal the township assessor asserted that each sale contained in the appraisal was from a financial institution and not arm's length transactions. The assessor's office also noted that appraisal comparable sale #3 sold again in April 2015 for a price of \$636,500 or \$215.62 per square foot of living area, including land. The assessor provided copies of the PTAX-203 Illinois Real Estate Transfer Declaration to support these assertions. The transfer declaration for appraisal sale #1 identified the seller as Grandview Capital, LLC. The transfer declaration for appraisal sale #2 identified the seller as the Federal National Mortgage Association (Fannie Mae) and indicated the property was a Bank REO (real estate owned) and identified the seller or buyer as a financial institution or government agency. The transfer declaration for appraisal sale #3 identified the seller as the Federal Home Loan Mortgage Corporation and indicated the property was a Bank REO (real estate owned) and identified the seller or buyer as a financial institution or government agency. The transfer declaration also reported the purchase price was \$380,000, rather than \$368,000 used in the report. The assessor's office also stated that appraisal sales #1 and #2 were located in unincorporated neighborhoods that are not comparable to the subject's location. The assessor's office also stated that appraisal sale #1 was a 1½-story home and not a

two story dwelling. The assessor also provided a map disclosing the location of the comparables submitted by the parties in relation to the subject property.

Based on this evidence the board of review requested the subject's assessment be confirmed.

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 Board finds the best evidence of market value to be the board of review comparable sales #3, #4, and #5 and the subsequent sale of appellant's appraisal comparable sale #3. The three board of review comparable sales sold from May 2014 to December 2014 for prices ranging from \$685,000 to \$742,500 or from \$222.69 to \$245.86 per square foot of living area, including land. The evidence further disclosed that appellant's appraisal comparable sale #3 resold in April 2014 for a price of \$636,500 or \$215.62 per square foot of living area, including land. The subject's assessment reflects a market value of \$619,459 or \$191.84 per square foot of living area, including land, which is below the range established by the best comparable sales in the record.

The Property Tax Appeal Board gave less weight to the remaining sales submitted by the board of review due to the fact they did not sell as proximate in time to the assessment date at issue. The Property Tax Appeal Board gave less weight to the appraisal submitted by the appellant due to the fact the comparable sales did not occur proximate in time to the assessment date at issue. The Board further finds the board of review provided evidence that the three sales used by the appellant's appraiser were sold by financial institutions or government agencies calling into question the arm's length nature of the sales. Additionally, the board of review disclosed that appellant's appraiser's sale #3 had sold again more proximate in time to the assessment date in April 2014, yet the appraiser used the previous sale that occurred in May 2013, for a significantly lower price. Furthermore, the appellant's appraiser had misreported the original price of sale #3 as being \$368,000 when it sold for \$380,000, which detracts from the credibility of the report. The Board finds the fact that the appellant's appraiser chose not to utilize a sale of a comparable that occurred more proximate in time to the assessment date detracts from the credibility of the appraisal and undermines the conclusion of value. As a final point, the sales submitted by the board of review were located more proximate to the subject property than the sales used by the appellant's appraiser.

Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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.