



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

APPELLANT: Joseph G. Laspisa
DOCKET NO.: 15-05606.001-R-1
PARCEL NO.: 01-26-404-008

The parties of record before the Property Tax Appeal Board are Joseph G. Laspisa, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$23,700
IMPR.: \$80,710
TOTAL: \$104,410

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 consists of a part two-story and part one-story dwelling of frame construction with 2,911 square feet of living area. The dwelling was constructed in 1984. Features of the home include a crawl-space foundation, central air conditioning, a fireplace and an attached 400 square foot garage. The property has a 20,733 square foot site and is located in West Chicago, Wayne Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument, the submitted a limited market analysis with information on six comparable sales. The report was dated April 20, 2016 and was prepared by ProTaxAppeal. The report was not signed nor were the credentials of the person(s) who prepared the report disclosed. The six comparables were described as two-story with one-story or two-story with one and one-half story dwellings. The comparables are located from 0.13 to 2.00 miles from the subject property, and two comparables

were located in the same neighborhood as the subject. The comparables were constructed from 1974 to 1991 and range in size from 2,413 to 3,016 square feet of living area. Five of the comparables have basements; each comparable has central air conditioning and a fireplace; and the comparables have garages ranging in size from 410 to 1,271 square feet of building area. The appellant did not provide information on the comparables' land area, exterior construction, and basement finished area, if any.¹ The comparables sold from August 2014 to December 2015 for prices that ranged from \$199,000 to \$295,000 or from \$66.91 to \$122.25 per square foot of living area, land included. The appellant's analysis also included "Property Equalization Values" that made adjustments to the sale prices for differences in sale date, land market value, age, square footage and features. No evidence or explanation pertaining to the calculation of the adjustment amounts was submitted. Based on the Property Equalization Values, the analysis conveyed a value estimate for the subject property of \$227,084. Based on the market analysis, the appellant requested a reduction in the subject's assessment to \$75,687.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$104,410. The subject's assessment reflects a market value of \$313,544 or \$107.71 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. The board of review also disclosed that the 2015 tax year was the first year of a new general assessment cycle for DuPage County.

In support of its contention of the correct assessment, the board of review submitted data prepared by the Wayne Township Assessor. In a grid analysis submitted with the appeal, the township assessor submitted information on six comparable sales, three of which were located in the same neighborhood as the subject property. The board of review's comparable #2 is the same property as the appellant's comparable #5. The comparables have from 22,539 to 40,057 square feet of land area. The comparables are improved with part two-story and part one-story dwellings of frame construction. The dwellings contain from 2,032 to 3,329 square feet of living area and were constructed from 1975 to 1993. Each comparable has a basement with five having finished area; each comparable has central air conditioning and one or two fireplaces; and the comparables have garages that range in size from 535 to 1,271 square feet of building area. The comparables sold from July 2013 to May 2015 for prices that ranged from \$267,500 to \$430,000 or from \$111.86 to \$140.50 per square foot of living area, land included. As part of the submission, the township assessor submitted property data sheets and transfer tax declarations for all of the comparables submitted for this appeal. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The township assessor provided rebuttal comments with respect to the sales provided by the appellant. The assessor contends the appellant's comparables #1 and #3 were inferior quality tract homes. The assessor also stated the appellant's comparable #4 and #6 were foreclosed homes in poor condition. According to the assessor, the appellant's comparables #4 and #6 were updated and resold in February 2016 and April 2016 for prices of \$310,000 and \$339,000,

¹ The board of review's submission indicated the comparables' had land area that ranged from 8,998 to 22,539 square feet; each comparable was described as having frame exterior construction; and four comparables had basements with finished area.

respectively. The documentation also included a Multiple Listing Service listing for the subject property disclosing the subject property sold in April 2016 for a price of \$323,500.

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 appellant submitted a limited market analysis report with adjustments to the comparables' sale prices for differences from the subject property. The Board finds this report was not signed and the appellant made no attempt to provide an explanation for these calculations. Consequently, the Board gave no weight to the appellant's market analysis.

The parties presented sale prices for eleven different properties for the Board's consideration. Each party presented six comparable sales; however, the Board finds board of review comparable #2 to be the same property as the appellant's comparable #5. The Board finds the appellant's attorney did not provide information regarding the comparables' land area, exterior construction, and basement finished area, if any. The Board finds the Wayne Township Assessor provided descriptive information for the appellant's comparables that was not submitted by the appellant.

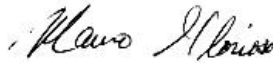
The Board finds that none of the comparables submitted were similar to the subject in all characteristics. Ten of the eleven properties had basements that were dissimilar from the subject's crawl-space foundation. The Board finds there were also significant differences in living area, location, and date of sale. The appellant's comparables #1, #2, #3 and #5 and board of review comparables #2, #4 and #5 had significantly less living area than the subject; the appellant's comparables #3 and #6 and board of review comparable #6 were located over one mile from the subject; and board of review comparables #1 and #4 sold in 2013 and were considered to be dated in relation to the subject's assessment date of January 1, 2015. Due to these differences, the appellant's comparables #1 through #3, #5 and #6 and board of review comparable #1, #2 and #4 through #6 received reduced weight in the Board's analysis.

The Board finds the best evidence of market value in the record to be the appellant's comparable #4 and board of review comparable #3.² These two comparables sold proximate to the assessment date and were very similar to the subject in location, age and living area. In addition, the appellant's comparable #4 was the only property in the record that was similar to the subject in foundation. The board of review's comparable #3 and appellant's comparable #4 sold in March 2014 and July 2015 for prices of \$430,000 and \$199,000 or for \$139.93 and \$66.91 per square foot of living area, land included, respectively. The record contains unrefuted comments from the assessor that the appellant's comparable #4 was a foreclosure and in poor condition,

² The appellant's comparable #4 differed from the subject in design but was similar in all other characteristics; and board of review comparable #3 differed in foundation but was very similar in most other characteristics.

which would require an upward adjustment. After being updated, this comparable was reported to have sold in February 2016 for a price of \$310,000. The subject's assessment reflects a market value of \$313,544 or \$107.71 per square foot of living area, including land, which falls between the market values of the best comparable sales in the record. The record further revealed the subject property sold in April 2016 for a price of \$323,500, which further undermines the appellant's overvaluation argument. Based on this record, the Board finds the appellant was not able to demonstrate the subject was overvalued and a reduction in the subject's assessment is not 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



Acting 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: August 18, 2017



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.