



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

APPELLANT: Ralph Gierens
DOCKET NO.: 15-06058.001-R-1
PARCEL NO.: 04-13-201-043

The parties of record before the Property Tax Appeal Board are Ralph Gierens, the appellant, by attorney Michael R. Davies, of the Law Offices of Michael R. Davies, Ltd. in Oak Lawn; 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: \$6,860
IMPR.: \$64,390
TOTAL: \$71,250

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 two-story dwelling of frame and brick exterior construction with 1,710 square feet of living area. The dwelling was constructed in 1994. Features of the home include an unfinished basement and a 342 square foot garage. The property has a 4,328 square foot site and is located in Winfield, Winfield Township, DuPage County.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on four equity comparables. The comparables were improved with two-story dwellings of frame and brick exterior construction that were built in 1993 or 1994.¹ The dwellings each contain 1,697 square feet of living area and are situated on sites that contain from 2,684 to 3,057 square feet of land area. The dwellings have improvement

¹ The appellant submitted incomplete information on the grid analysis regarding the subject and comparables design, exterior construction, basement, and garage, however, the board of review provided this data.

assessments of \$62,650 or \$36.92 per square foot of living area. Based on this evidence, the appellant requested the total assessment be reduced to \$69,993.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$71,250. The subject property has an improvement assessment of \$64,390 or \$37.65 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on five equity comparables located within the same neighborhood assessment code as the subject property. The comparables were improved with two-story dwellings that were built in 1993 or 1994. The grid analysis indicated that the comparables each had an unfinished basement and a 342 square foot garage. The dwellings each contain 1,710 square feet of living area. The dwellings have improvement assessments of \$64,390 or \$37.65 per square foot of living area. The board of review submission also included property record cards for the subject, its five comparables and the appellant's four comparables. The property record cards disclosed that the appellant's comparables were the chestnut model while the subject property and the board of review comparables were the aspen model. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayers contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted information on a total of nine suggested equity comparables for the Board's consideration. The Board gave less weight to the appellant's comparables due to their dissimilar basement size and different model type when compared to the subject property. The Board finds the board of review comparables were similar if not identical to the subject in location, age, dwelling size, design, exterior construction and other features. These comparables had improvement assessments of \$37.65. The subject's improvement assessment of \$37.65 per square foot of living area is well supported by the best comparables in this record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



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: September 22, 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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