



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

APPELLANT: Jeffrey R. Gustafson
DOCKET NO.: 15-06695.001-R-2
PARCEL NO.: 09-01-105-002

The parties of record before the Property Tax Appeal Board are Jeffrey R. Gustafson, the appellant, by attorney William I. Sandrick, of 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 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: \$240,910
IMPR.: \$196,990
TOTAL: \$437,900

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 brick exterior construction with approximately 5,386 square feet of living area. The dwelling was constructed in 1995. Features of the home include a full unfinished basement,¹ central air conditioning, three fireplaces and an attached 840 square foot garage. The property has an approximately 41,040 square foot site and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal.² In support of this argument the appellant submitted a "Restricted Appraisal Report"³ prepared by Michael J. DeSuno estimating

¹ The assessing officials report the subject's basement is "unfinished" although the appellant's appraiser reported the basement had a recreation room and bathroom along with two photographs depicting finished basement area(s).

² The only basis for appeal marked in Section 2d of the Residential Appeal petition was "recent appraisal." Submitted in evidence along with a copy of the appraisal discussed in this decision was a single-page grid analysis

the subject property had a market value of \$1,315,000 as of January 1, 2015. The stated intended use of the appraisal is "valuation for property tax purposes; effective date of January 1, 2015."

The appraiser utilized the sales comparison approach to arrive at an estimate of the subject's fair market value. The six sales were properties located from .27 of a mile to 2.25-miles from the subject property with each comparable located in Hinsdale. The parcels range in size from 15,639 to 25,897 square feet of land area which have been improved with two-story "Colonial," Traditional or "Tudor" dwellings. The dwellings were 8 to 29 years old and range in size from 4,615 to 5,549 square feet of living area. Each comparable has a full basement, five of which have finished areas along with a bathroom. Each of the homes have central air conditioning and a three-car or a four-car garage. The comparables sold between February 2013 and August 2014 for prices ranging from \$950,000 to \$1,380,000 or from \$187.16 to \$281.69 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject in land area, condition, basement finish, room count, dwelling size and/or garage size. After adjustments, the appraiser estimated the comparables had adjusted sales prices ranging from \$1,153,700 to \$1,459,100.

Although the reconciliation section on page 2 of the report indicates that both the sales comparison and cost approaches to value were performed, nothing in the appraisal filed in this matter reflects a cost approach analysis. The appraiser also reported that sales comparables #1, #2 and #3 were given the greatest weight due to "condition, gross living areas, and age." The appraisal depicts a final estimate of value for the subject of \$1,315,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$636,120. The subject's assessment reflects a market value of \$1,910,270 or \$354.67 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.

As to the appellant's appraisal evidence overall, the board of review through the township assessor's office noted that five of the six comparable sale properties were located over 1.93-miles from the subject and the appraiser made no adjustments to these comparables for location. To the extent that any lot size adjustments at \$2 per square foot were made, there was no evidence in the appraisal to support the adjustment. The assessor also contends that the appraiser made minimal living area size adjustments of \$60 per square foot for a "high quality construction" dwelling that was built in 1995. The assessor also notes the conflict in the reconciliation of the appraisal which refers to a non-existent cost approach analysis. Lastly as to the appraisal, the assessor contends that there are descriptive discrepancies as to bathrooms and lot sizes between the appraisal report and the assessor's records. As to appraisal comparable sale

with equity data. Due to the stated basis for this appeal, this equity data has not been examined. (See 35 ILCS 200/16-180 & 86 Ill.Admin.Code §1910.50(a)).

³ The report at the top of page 1 specifies: This report is limited to the sole and exclusive use of the client. The rationale for how the appraiser arrive at the opinions and conclusions set forth in this report may not be understood properly without additional information in the appraiser's workfile. The purpose of this appraiser report is to provide the client with a credible opinion of the defined value of the subject property given the intended use of the appraisal.

#1, the assessor reported that after the 2014 sale, the dwelling was demolished in November 2014 and therefore, this sale actually reflects a land sale value of \$62.60 per square foot.

To contradict the lot size adjustments made by the appellant's appraiser, the board of review included two vacant lot sales of \$29.90 and \$67.59 per square foot of land area.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales located from .43 to 1-mile from the subject property, but each was located in a different neighborhood code than the subject property. The comparable parcels range in size from 17,000 to 32,389 square feet of land area which have been improved with part two-story, part three-story and part one-story dwellings of frame, brick or frame and brick exterior construction. The homes were built between 1996 and 2005 with updates to two of the properties. Each home has a full or partial basement with finished area, central air conditioning, one to four fireplaces and a garage ranging in size from 769 to 1,187 square feet of building area. The properties sold between June 2013 and January 2015 for prices ranging from \$1,700,000 to \$2,610,000 or from \$307 to 467 per square foot of living area, including land, rounded.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

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 Property Tax Appeal Board gave little weight to the four comparable sales presented by the board of review as these homes differed in design when compared to the subject since each comparable also had a three-story area which was not a feature of the subject dwelling

Despite the criticisms of the board of review concerning the adjustments made by the appellant's appraiser or the lack of adjustments to the comparable sales, the Board finds the best evidence of market value in this record to be the appraisal submitted by the appellant. The comparable sales in the appraisal report were relatively similar to the subject in age, design, dwelling size and most features. The subject's assessment reflects a market value of \$1,910,270 or \$354.67 per square foot of living area, including land, which is above the appraised value of \$1,315,000. The Board finds the subject property had a market value of \$1,315,000 as of the assessment date at issue. Since market value has been established the 2015 three year average median level of assessments for DuPage County of 33.30% 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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: June 19, 2018



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Jeffrey R. Gustafson, by attorney:
William I. Sandrick
Sandrick Law Firm, LLC
16475 Van Dam Road
South Holland, IL 60473

COUNTY

DuPage County Board of Review
DuPage Center
421 N. County Farm Road
Wheaton, IL 60187