



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

APPELLANT: Kevin Morse
DOCKET NO.: 16-05348.001-R-1
PARCEL NO.: 05-28-212-020

The parties of record before the Property Tax Appeal Board are Kevin Morse, the appellant; 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: \$81,800
IMPR.: \$267,745
TOTAL: \$349,545

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 2016 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 5,113 square feet of living area. The dwelling was constructed in 2002. Features of the home include a finished basement, central air conditioning, three fireplaces and a garage that contains 1,016 square feet of building area. The subject property has a 29,342-square foot site and is located in Wheaton, Milton Township, DuPage County.

The appellant contends assessment inequity and overvaluation as the bases of the appeal. In support of these arguments the appellant submitted information on three comparables located three or four miles from the subject property and with different neighborhood codes. The comparables consist of two-story dwellings that were built from 1994 to 2005. The comparables had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 5,272 to 6,470 square feet of living area and have improvement assessments ranging from \$191,550 to \$286,180 or from \$32.48 to \$51.89 per square foot of living area. The

comparables sold from April 2015 to March 2016 for prices ranging from \$850,000 to \$975,000 or from \$144.14 to \$184.94 per square foot of living area, including land.

In support of the overvaluation argument, the appellant submitted a refinance appraisal estimating the subject property had a market value of \$1,050,000 as of June 10, 2016. The appraisal was prepared by Dominik DiMaggio, a certified residential real estate appraiser. In estimating the market value of the subject property, the appraiser developed the cost approach and sales comparison approach to value.

In estimating the cost approach to value, the appraiser estimated the subject's land value at \$275,000. The appraiser then calculated a replacement cost of \$974,120. The subject was depreciated by \$48,706 for a depreciated improvement value of \$925,414 with "as is" value of site improvements of \$15,000. The land was added back in to estimate a value for the subject property under the cost approach of \$1,215,414.

The appraiser also developed the sales comparison approach to value using three comparables. The comparables consist of two-story dwellings that range in age from 1 to 10 years old. The dwellings are located within 3.05 miles from the subject property and have features with varying degrees of similarity when compared to the subject. The dwellings range in size from 4,036 to 4,807 square feet of living area and are situated on sites ranging in size from 10,801 to 20,038 square feet of land area. The comparables sold from October 2015 to June 2016 for prices ranging from \$950,000 to \$1,050,000 or from \$218.43 to \$235.38 per square foot of living area, including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$1,037,100 to \$1,092,100. Based on these adjusted sales, the appraiser arrived at an estimated market value of \$1,050,000 under the sales comparison approach to value.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$322,500 which would reflect a market value of approximately \$968,759.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$389,700. The subject's assessment reflects an estimated market value of \$1,170,622 or \$228.95 per square foot of living area including land when applying DuPage County's 2016 three-year average median level of assessment of 33.29% as determined by the Illinois Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(1).

In response to the appeal, the board of review submitted a memorandum from the Milton Township Assessors, along with supporting documentation. The assessor submitted a map of the appellant's comparables and the assessor's comparables. Because of the larger size of the subject property both the appellant and assessor had to use comparables outside of the neighborhood code of the subject property. The assessor argued the appellant's comparable sale #3 was not an arm's length sale and provided a copy of the PTAX-203, Illinois Real Estate Transfer Declaration as evidence but provided no further explanation as to why the sale was not arm's length. The assessor contends the subject's appraisal was a refinance appraisal and was not done for market value as of January 1, 2016.

In support of its contention of the correct assessment, the board of review through the assessor presented property record cards and a grid analysis of six comparable sales with different neighborhood codes than the subject property. The comparables consist of two-story dwellings that were constructed from 1949 to 2018. The comparables had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 4,517 to 5,981 square feet of living area and are situated on sites ranging in size from 11,626 to 82,355 square feet of land area. The comparables sold from August 2014 to April 2016 for prices ranging from \$1,125,000 to \$1,700,000 or from \$249.06 to \$300.62 per square foot of living area, including land. Five of the comparables have improvement assessments ranging from \$227,450 to \$444,770 or from \$61.42 to \$82.46 per square foot of living area.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends in part 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 on this basis.

The Board finds the best evidence of market value to be the June 10, 2016, appraisal submitted by the appellant, estimating the subject property had a market value of \$1,050,000. The appellant's appraiser developed the cost and sales comparison approaches to value and gave the most weight to the sales comparison approach. The comparable sales were adjusted for differences in size, age and other features when compared to the subject property. The subject's assessment reflects a market value above the best evidence of market value in the record. Based on this evidence the Board finds the subject is overvalued and a reduction in the subject's assessment is justified. Since market value has been established, the three-year median level of assessments for DuPage County for 2016 of 33.29% shall be applied.

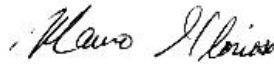
The Board gave little weight to the board of review's comparables #2 and #6 due to their significantly newer or older age when compared to the subject property. The Board also gave less weight to the board of review's comparables #1 and #4 due to their 2014 sale dates which are less proximate in time to the January 1, 2016 assessment date at issue. Furthermore, the Board gave less weight to the board of review comparable #3 due to its smaller site size when compared to the subject property. Finally, the Board gave little weight to the remaining board of review comparable since one unadjusted comparable sale in this record does not overcome the appellant's well-supported appraisal report.

The taxpayer also contends 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 on this basis.

The parties submitted nine equity comparables for the Board consideration. After considering the subject's assessment reduction granted based on the appellant's overvaluation claim, the Board finds no further reduction is warranted.

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: September 18, 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

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