



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

APPELLANT: Allan Grane
DOCKET NO.: 16-05610.001-R-1
PARCEL NO.: 06-01-319-004

The parties of record before the Property Tax Appeal Board are Allan Grane, the appellant, by attorney Brian P. Liston, of the Law Offices of Liston & Tsantilis, P.C. in Chicago; 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: \$126,960
IMPR.: \$319,390
TOTAL: \$446,350

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 brick, masonry or stone exterior construction with 5,340 square feet of living area. The dwelling was constructed in 1991. Features of the home include a finished basement, central air conditioning, a fireplace and a three-car garage. The property has a 19,000-square foot site and is located in Elmhurst, York Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant disclosed the subject sold August 28, 2013 for a price of \$970,000 and had been advertised for sale as set forth in Section IV-Recent Sale Data of the appeal petition. To document the sale, the appellant submitted a copy of the Warranty Deed and the Settlement Statement revealing the amount of Broker's Fees paid at settlement.

The appellant also submitted an appraisal estimating the subject property has a market value of \$1,100,000 as of September 25, 2013. The appraisal was prepared by James Bartell, a certified residential real estate appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach and the cost approach to value.

The appraiser developed the sales comparison approach to value using four comparable sales and two active listings. The comparables consist of two-story dwellings that range in age from six to nineteen years old. The dwellings have different neighborhood codes than the subject property. The comparables have features with varying degrees of similarity when compared to the subject. The dwellings range in size from 3,503 to 4,546 square feet of living area and are situated on sites ranging in size from 8,500 to 29,082 square feet of land area. Four of the comparables sold from January to August of 2013 for prices ranging from \$1,024,000 to \$1,180,000 or from \$238.87 to \$314.89 per square foot of living area, including land. Comparable #5 and #6 were listed for \$1,100,000 and \$1,449,000 or \$267.31 and \$331.50 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 \$1,049,900 to \$1,333,000. The appraiser arrived at an estimated value under the sales comparison approach of \$1,100,000.

In estimating the cost approach to value, the appraiser estimated the subject's land value at \$325,000. The appraiser then calculated a replacement cost of \$1,029,175. The subject was depreciated by \$171,563 for a depreciated improvement value of \$857,612 with "as is" value of site improvements of \$10,000. The land was added back to arrive at an estimate a value for the subject property under the cost approach of \$1,192,612.

Based on this evidence the appellant requested the total assessment be reduced to \$366,630.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$446,350. The subject's assessment reflects a market value of \$1,340,793 or \$251.09 per square foot of living area, 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 support of its contention of the correct assessment the board of review submitted information on six comparable sales located in the same neighborhood as the subject property. The comparables are improved with two-story dwellings that were constructed from 1972 to 2007. The comparables had varying degrees of similarity when compared to the subject. The dwellings range in size from 3,503 to 5,036 square feet of living area and are situated on sites that contain from 10,125 to 15,450 square feet of land area. The comparables sold from January 2014 to October 2016 for prices ranging from \$850,000 to \$1,522,500 or from \$250.66 to \$327.56 per square foot of living area, including land.

The York Township Assessor's office disclosed that the subject property was the subject matter of an appeal before the Property Tax Appeal Board (PTAB) the prior year under Docket Number 15-05228-R-1. The township assessor argued that the same appraisal was used for the 2015 appeal, and that PTAB issued a "NO CHANGE" decision. Included in the submission is a copy of the decision issued by the Board for Docket Number 15-05228-R-1.

Based on this evidence, the board of review requested confirmation of the subject's 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gave less weight to the appellant's September 2013 appraisal and the subject property's August 2013 sale price. Neither the effective date of the appraisal or the sale price is proximate in time for the January 1, 2016 assessment date at issue. The Board also gave less weight to the board of review's comparable sales #3 and #4 due to their 2014 sale dates which also occurred less proximate in time to the subject's January 1, 2016 assessment date. The Board finds the best evidence of market value in the record to be the remaining four board of review's comparable sales which sold more proximate in time to the subject's assessment date and are more similar to the subject in location, age, dwelling size, design and features. They sold from April 2015 to October 2016 for prices ranging from \$1,175,000 to \$1,522,500 or from \$260.89 to \$327.56 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$1,340,793 or \$251.09 per square foot of living area including land, which falls within the range established by the best comparables in this record on a total market value basis and below the range on a per square foot basis. Based on this record, the Board finds the subject's assessment is reflective of market value 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(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: October 16, 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

Allan Grane, by attorney:
Brian P. Liston
Law Offices of Liston & Tsantilis, P.C.
33 North LaSalle Street
28th Floor
Chicago, IL 60602

COUNTY

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