



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

APPELLANT: 536 Kirkwood LLC
DOCKET NO.: 16-05993.001-R-1
PARCEL NO.: 09-14-303-201

The parties of record before the Property Tax Appeal Board are 536 Kirkwood LLC, the appellant, by attorney Michael R. Davies, of Ryan Law LLP 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: \$7,640
IMPR.: \$25,500
TOTAL: \$33,140

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 is condominium unit, Model E, with 825 square feet of living area. The dwelling was constructed in 1973. Features of the home include two bedrooms, two baths, central air conditioning and a fireplace. The property is located in Willowbrook, Downers Grove Township, DuPage County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation claim, the appellant submitted limited descriptive information for ten comparable properties. The Board requested that the appellant complete the grid analysis in Section V of the appeal petition. The appellant failed to comply with the Board's request and failed to disclose the comparables' exterior construction, foundation type and features such as central air conditioning, fireplaces and garages. The comparables were reported to be built in 1973 and range in size from 730 to 825 square feet of

above grade living area. The comparables sold from February 2013 to August 2015 for prices ranging from \$53,333 to \$99,000 or from \$73.06 to \$120.73 per square foot of above grade living area, land included. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$33,140. The subject's assessment reflects a market value of \$99,549 or \$120.67 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for DuPage County of 33.29% as determined by the Illinois Department of Revenue.

In response to the appellant's submission, the board of review submitted a grid analysis, property record cards and PTAX-203 Real Estate Transfer Declarations of the appellant's comparables. The PTAX-203 Real Estate Transfer Declaration indicates appellant's comparable #1 sold for \$115,000 or \$139.39 per square foot of living area instead of \$76,667 or \$92.93 per square foot of living area in August 2015.¹ Lastly, the board of review argued that appellant's comparables #2 through #10 were different models with less square footage that included one less bedroom and bath when compared to the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In further support of its contention of the correct assessment, the board of review submitted property record cards, PTAX-203 Real Estate Transfer Declarations and a grid analysis on three comparable sales located in the same condominium complex and neighborhood code as the subject as defined by the township assessor. The comparables are described as condominium units, Model E, containing 825 square feet of living area. The comparables were built in 1973. Each comparable has two bedrooms, two baths, central air conditioning and a fireplace. The comparables sold from January 2015 to June 2015 for prices ranging from \$107,000 to \$118,000 or from \$129.70 to \$143.03 per square foot of living area, including land.

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 parties submitted thirteen comparable sales for consideration. The Board gave less weight to appellant's comparables #2 through #10 because they were dissimilar one bedroom and one bath models that were smaller in dwelling size when compared to the subject. In addition, the Board gave less weight to appellant's comparables #4 through #10 as to their

¹ The Board finds the best evidence that supports appellant's comparable #1's sale price was submitted by the board of review.

dated sales in 2013 and 2014 were less reflective of market value as of the subject's January 1, 2016 assessment date.

The Board finds the best evidence of market value to be appellant's comparable #1 and the board of review comparables. These four comparables are the same model as the subject. These properties are nearly identical to the subject in location, age, design, dwelling size and features. The comparables sold from January to August 2015 for prices ranging from \$107,000 to \$118,000 or from \$129.70 to \$143.03 per square foot of living area, including land. The subject's assessment reflects a market value of \$99,549 or \$120.67 per square foot of living area including land which falls below the range established by the most similar comparable sales in this record. Based on this record, the Board finds the appellant failed to demonstrate by a preponderance of the evidence that 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. 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: July 16, 2019



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

536 Kirkwood LLC, by attorney:
Michael R. Davies
Ryan Law LLP
311 South Wacker Drive
Mailbox #29
Chicago, IL 60606

COUNTY

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