



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

APPELLANT: Anne Irwin
DOCKET NO.: 16-06207.001-R-1
PARCEL NO.: 10-05-201-018

The parties of record before the Property Tax Appeal Board are Anne Irwin, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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 **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: \$63,830
IMPR.: \$133,100
TOTAL: \$196,930

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 part two-story and part one-story dwelling of frame and brick exterior construction with 3,716 square feet of living area. The dwelling was constructed in 1989. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 682 square foot garage. The property has a 14,898 square foot site and is located in Darien, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within the same neighborhood code as the subject as assigned by the assessor. The comparables are described as part two-story and part one-story dwellings of brick or frame and brick exterior construction ranging in size from 2,939 to 3,627 square feet of living area. The dwellings were constructed in 1989 or 1990. Each comparable features an unfinished basement, central air conditioning, a fireplace and a

garage ranging in size from 462 to 682 square feet of building area. The comparables have sites ranging in size from 10,377 to 14,500 square feet of land area.¹ The comparables sold from June 2015 to January 2016 for prices ranging from \$442,000 to \$579,000 or from \$147.19 to \$159.64 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$229,010. The subject's assessment reflects a market value of \$687,924 or \$185.12 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 evidence, the board of review submitted property records, a narrative noting differences in features between the subject and the appellant's comparables, a detailed spreadsheet of the appellant's comparables and a map depicting the locations of both parties comparables and the subject. The board of review noted appellant's comparables #2 and #3 have 713 and 777 square feet less of living area than the subject.

In support of the subject's assessment, the board of review submitted information on three comparable sales. Two comparables are located in the same neighborhood code as assigned by the township assessor. The comparables are improved with part two-story and part one-story dwellings of brick or frame and brick exterior construction ranging in size from 3,484 to 4,335 square feet of living area. The dwellings were constructed in 1990 or 2001. The comparables have basements, two of which have finished area, central air conditioning, one or three fireplaces and garages ranging in size from 777 to 825 square feet of building area. The comparables have sites ranging in size from 12,978 to 19,217 square feet of land area. The comparables sold in April and May 2014 for prices ranging from \$700,000 to \$840,000 or from \$182.37 to \$200.92 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

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 meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the parties submitted six comparable sales for consideration. The Board gave less weight to the board of review comparables. These properties which sold in April and May 2014 are dated and less likely to be reflective of market value as of the subject's January 1, 2016

¹ The appellant's grid analysis lacked some pertinent descriptive data, which was drawn from the evidence provided by the board of review.

assessment date. In addition, two of these comparables were also newer in age when compared to the subject.

The Board finds the best evidence of market value to be the appellant's comparables. These three comparables sold most proximate in time to the subject's January 1, 2016 assessment date. They sold from June 2015 to January 2016 for prices ranging from \$442,000 to \$579,000 or from \$147.19 to \$159.64 per square foot living area, including land. The subject's assessment reflects an estimated market value of \$687,924 or \$185.12 per square foot of living area, including land, which falls above the range by the best comparable sales contained in the record. The Board gives most weight to appellant's comparable #1 which is located next door to the subject and most similar in dwelling size, age, land size, design and most features. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is overvalued. Based on this record, the Board finds the appellant demonstrated by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment 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: 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

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