



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

APPELLANT: Cary Musser
DOCKET NO.: 16-06243.001-R-1
PARCEL NO.: 05-20-201-004

The parties of record before the Property Tax Appeal Board are Cary Musser, the appellant, by attorney George N. Reveliotis, of Reveliotis Law, P.C. in Park Ridge; 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: \$27,530
IMPR.: \$187,449
TOTAL: \$214,979

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 masonry construction with 3,673 square feet of living area. The dwelling was constructed in 2008. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 728 square foot garage. The property has a 10,435 square foot site and is located in Wheaton, Milton Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an Ad Valorem appraisal estimating the subject property had a market value of \$645,000 as of January 1, 2016. The appellant's appraisal was completed using the sales comparison approach in estimating a market value for the subject property.

Under the sales comparison approach, the appellant's appraiser selected five comparable properties with similar style dwellings that ranged in size from 3,232 to 3,669 square feet of living area. The comparables were built from 1998 to 2008. The comparables had other features with varying degrees of similarity to the subject. The comparables had sale dates ranging from August to December 2015 for prices ranging from \$587,500 to \$703,250 or from \$181.25 to \$197.53 per square foot of living area, including land. After adjustments the comparables had adjusted sale prices ranging from \$589,500 to \$662,000. Based on the adjusted sales, the appraiser estimated the subject property had a market value of \$645,000 as of January 1, 2016.

Based on the appraisal submitted, the appellant requested the subject's assessment be reduced to \$214,979.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$246,430. The subject's assessment reflects a market value of \$740,252 or \$201.54 per square foot of living area including land, 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.

As to the appellant's appraisal, the board of review submitted a brief from the Milton Township Assessor's Office critiquing the appraisal. In the brief, the assessor argued that only two of the appellant's appraisal comparables were located in the subject's neighborhood.

In support of its contention of the correct assessment the board of review submitted a grid analysis containing information on four suggested comparable sales that were located in the subject's neighborhood. The comparable properties had similar style dwellings that ranged in size from 3,267 to 3,469 square feet of living area. The comparables were built in 2007 or 2015 and had other features with varying degrees of similarity to the subject. The comparables had sale dates ranging from November 2013 to December 2014 for prices ranging from \$710,000 to \$782,500 or from \$217.32 to \$225.57 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 met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter regarding the board of review's argument that only two of the appellant's appraisal comparables were located in the subject's neighborhood, the Board finds that the board of review's comparables, located in the subject's neighborhood, would not have been more suitable for selection by the appellant's appraiser. The board of review's comparables had sale dates occurring greater than 12 months prior to the January 1, 2016 assessment date at issue. Furthermore, three of the comparables were built in 2015, which would have required a substantial negative adjustment by the appraiser, due to the subject having been built in 2008.

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 Board finds the best evidence of market value to be the Ad Valorem appraisal submitted by the appellant estimating the subject property had a market value of \$645,000 as of January 1, 2016. The subject's assessment reflects a market value of \$740,252 or \$201.54 per square foot of living area, including land, which is above the appraised value. The Board gave less weight to the board of review's comparables as discussed previously. Based on the evidence in this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is 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: January 21, 2020



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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