



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

APPELLANT: Matthew Rees
DOCKET NO.: 16-06385.001-R-1
PARCEL NO.: 07-12-301-053

The parties of record before the Property Tax Appeal Board are Matthew Rees, 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 **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: \$88,040
IMPR.: \$322,840
TOTAL: \$410,880

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 4,774 square feet of living area. The dwelling was constructed in 2012. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a 3-car garage. The property has a 13,190 square foot site that backs up to a golf course and is located in Naperville, Naperville Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a retrospective appraisal with an estimated market value of \$972,000 as of January 1, 2016. The appraisal was prepared by Charles Schwartz, a State of Illinois certified residential real estate appraiser. The property rights appraised were fee simple and the appraisal was prepared for tax review and appeal. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. Under the sales comparison

approach to value the appraiser utilized four comparable sales located within .75 of a mile from the subject property. The comparables are improved with two-story dwellings of cedar and stone, frame and brick, or frame and stone ranging in size from 4,200 to 5,033 square feet of living area. The dwellings have ages ranging from 7 to 25 years old. The comparables have basements, three have finished area. Each comparable has central air conditioning, one to four fireplaces and a three-car garage. The comparables have sites ranging in size from 7,484 to 14,200 square feet of land area. One comparable site backs up to a golf course. These comparables sold from October 2015 to June 2016 for prices ranging from \$765,000 to \$978,000 or from \$182.14 to \$200.75 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject, the appraiser estimated the comparables had adjusted prices ranging from \$798,700 to \$992,100 or from \$190.16 to \$205.31 per square foot of living area, including land. Based on this data the appraiser estimated the subject had an estimated market value of \$972,000 as of January 1, 2016. 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 \$410,880. The subject's assessment reflects a market value of \$1,234,245 or \$258.53 per square foot of living area, land included, when applying the 2016 three-year average median level of assessment for DuPage County of 33.29% as determined by the Illinois Department of Revenue.

The board of review submitted correspondence in regards to the appellant's evidence asserting that the appellant's appraisal comparables #1 and #3 have incorrect above grade square footage because the appraiser added the basement finishes to the above grade living areas. Comparables #2, #3 and #4 are located in a different neighborhood than the subject as defined by the township assessor with one also located in a different township. Furthermore, these three comparables do not have sites that back up to a golf course like the subject.

In support of its contention of the correct assessment of the subject property the board of review provided information on three comparable sales located within the same neighborhood code as the subject as defined by the township assessor. The board of review comparable #1 is the same property as appellant's comparable #1. The comparables are improved with 2-story or 2.5-story dwellings of frame and brick exterior construction ranging in size from 3,786 to 5,963 square feet of living area. The dwellings were constructed from 2008 to 2015. Each comparable has a basement with finished area, one or two fireplaces and a 2-car or a 3-car garage. Two comparables have golf course sites containing 11,600 or 12,240 square feet of land area.¹ The comparables sold in June 2014 and October 2015 for prices ranging from \$978,000 to \$1,605,000 or from \$242.51 to \$269.16 per square foot of living area, including land. 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

¹ The board of review failed to submit a lot size for comparable #2.

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 appellant's appraisal is not a credible indicator of value. The Board finds the appellant's appraisal utilized three comparables without golf course sites and failed to make any adjustments or explain why adjustments were not applied. Furthermore, comparables #3 and #4 were dissimilar in age when compared to the subject. Finally, the Board finds the appraiser included basement finish in the above grade living area to comparables #1 and #3 which was not refuted by the appellant. These factors undermine the appraiser's final opinion of value. Therefore, the Board will look at the raw sales data in the appraisal.

The Board finds the parties submitted seven comparable sales for the Board's consideration. The Board gave less weight to appellant's comparables #2, #3 and #4 along with board of review comparable #2. These comparables do not have golf course sites like the subject.

The Board finds the best evidence of market value to be the parties common comparable along with board of review comparable #3 since both have golf course sites similar to the subject. These two comparables were more similar to the subject in location, land area, design and features. These properties sold in June 2014 and October 2015 for prices of \$978,000 and \$1,605,000 or for \$258.32 and \$269.16 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,234,245 or \$258.53 per square foot of living area, land included. After considering adjustments to these more similar comparables for dwelling size and features, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction in 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: April 23, 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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