



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

APPELLANT: John Courtney
DOCKET NO.: 16-06417.001-R-1
PARCEL NO.: 09-08-205-022

The parties of record before the Property Tax Appeal Board are John Courtney, 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: \$ 65,290
IMPR.: \$209,870
TOTAL: \$275,160

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 masonry construction with 3,427 square feet of living area. The dwelling was constructed in 2008. Features of the home include a full finished basement,¹ central air conditioning, a fireplace amenity² and an 830 square foot garage. The property has an approximately 10,463 square foot site and is located in Downers Grove, Downers Grove Township, DuPage County.

¹ The appellant's appraiser, who performed an exterior only inspection, reported an unfinished basement. The assessing officials report 1,660 square feet of finished basement area. Although given an opportunity to rebut this assertion, the appellant did not file any rebuttal. On this record, the Board finds the subject basement is finished.

² The appellant reports one fireplace through the appraisal; the assessing officials report two fireplaces. The Board finds this minor discrepancy does not prevent a determination of the correct assessment.

The appellant contends both overvaluation and lack of assessment uniformity as the bases of the appeal.

In support of the overvaluation argument, the appellant submitted an appraisal estimating the subject property had a market value of \$790,000 or \$230.52 per square foot of living area, land included, as of September 17, 2014. The appraisal was prepared by Rene D. Fiore, a Certified Residential Real Estate Appraiser, for a refinance transaction where the client was Third Federal Savings & Loan Association of Cleveland. The fee simple rights in the subject property were appraised. The appraisal was based upon an exterior inspection only of the subject property.

Using the sales comparison approach, the appraiser considered three comparable sales and two listings. The comparables are located within .65 of a mile from the subject property and have sites that range from 6,458 to 10,373 square feet of land area. The comparable properties are improved with two-story dwellings that were 1 to 6 years old. The homes range in size from 3,022 to 3,555 square feet of living area. Each dwelling has a basement; only comparable #5 has basement finished area. Each comparable has central air conditioning, one or two fireplaces and a two-car or a three-car garage. Sales #1 through #3 sold in either December 2013 or June 2014 for prices ranging from \$729,900 to \$833,000 or from \$219.19 to \$266.38 per square foot of living area, land included; the listings presented asking prices of \$795,000 and \$825,000 or \$223.63 and \$243.22 per square foot of living area, including land. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sales and asking prices for date of sale and for differences in condition, living area and other features. The appraiser determined that the adjusted sale and listing prices of the comparable properties ranged from \$768,500 to \$822,500, land included. The appraiser concluded an estimate of market value for the subject of \$790,000.

The appellant also contends assessment inequity as a basis of the appeal concerning the subject's improvement assessment; no dispute was raised concerning the land assessment. In support of this argument, the appellant submitted information on three equity comparables in the same neighborhood code assigned by the assessor as the subject property. The comparables consist of part two-story and part one-story dwellings of frame or frame and brick exterior construction. The homes were built in 2005 or 2008 and range in size from 3,283 to 3,428 square feet of living area. Each comparable has a full basement and a garage ranging in size from 546 to 827 square feet of building area. In the grid analysis, the appellant failed to report data concerning basements, air conditioning, fireplaces and/or other amenities. The comparables have improvement assessments ranging from \$160,360 to \$184,480 or from \$48.85 to \$53.82 per square foot of living area.

Based upon the foregoing 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 \$275,160. The subject's assessment reflects a market value of \$826,555 or \$241.19 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. The subject property has an improvement assessment of \$209,870 or \$61.24 per square foot of living area.

In response to the appellant's equity comparables, the board of review through the township assessor noted each suggested comparable has fewer amenities and no finished basement area as compared to the subject dwelling of 1,660 square feet of finished basement area. In response to the appellant's appraisal evidence, the assessor noted the appraisal was performed for mortgage financing and no additional intended user were identified by the appraiser other than the lender. Besides the fact the appraiser performed an exterior only inspection of the property, the assessor criticized the land value assigned to the subject in the report and provided two vacant area land sales to dispute the conclusion. The assessor also reports that appraisal comparable #5 was original built in 1929 and had an addition in 2009, so the actual age of this property makes it dissimilar to the subject.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparables; according to the accompanying memorandum, comparables #1 through #3 reflect recent sales and comparables #4 and #5 are "shown for uniformity" although assessment data is depicted for all five properties and will, therefore, be addressed in this decision.

Comparable sales #1 through #3 have sites that range from 6,600 to 7,920 square feet of land area. The comparable properties are improved with part two-story and part one-story dwellings that were built in 2014 or 2015. The homes range in size from 3,144 to 3,496 square feet of living area. Each dwelling has a basement that is either fully or partially finished. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 454 to 780 square feet of building area. These comparables sold from July 2014 to June 2015 for prices ranging from \$825,446 to \$966,739 or from \$241.92 to \$283.08 per square foot of living area, land included.

Uniformity comparables #4 and #5 consist of part two-story and part one-story dwellings that were built in 2007 or 2008. The homes contain either 3,320 or 3,326 square feet of living area. Each dwelling has a basement that is either fully or partially finished. Each comparable has central air conditioning, two or three fireplaces and a garage of either 463 or 528 square feet of building area. These comparables have improvement assessments of \$210,060 and \$204,030 or for \$63.66 and \$61.45 per square foot of living area, respectively. Furthermore, the data presented by the board of review as to the three comparable sales detailed above in this decision report improvement assessments ranging from \$177,800 to \$193,440 or from \$55.33 to \$56.55 per square foot of living area.

Based on the foregoing evidence and argument, 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 on grounds of overvaluation.

The appellant presented an appraisal with a valuation date of September 2014 with an opinion of value of \$790,000 to establish the subject's estimated market value as of January 1, 2016 and the board of review presented three sales that occurred from June 2014 to June 2015 to support their respective opinion of market value before the Property Tax Appeal Board. The Board has given little weight to the appellant's appraisal report as the appraiser performed an exterior only inspection, failed to report the subject's large finished basement and utilized comparable properties that also lacked finished basement areas. Due to this substantial descriptive error, the Board finds that the opinion of value established by the appraiser is not a credible or reliable indication of the subject's property's estimated market value. Furthermore, to the extent that appraisal sale #1 occurred most proximate in time to the valuation date at issue in this appeal, the Board has given reduced weight to this sale since the dwelling lacks a finished basement and, due to the erroneous description of the subject's basement, the appraiser did not apply an adjustment to sale #1 for an unfinished basement.

The Board finds the best evidence of market value to be the board of review comparable sales. The board of review comparables sold from July 2014 to June 2015 for prices ranging from \$825,446 to \$966,739 or from \$241.92 to \$283.08 per square foot of living area, including land. The subject's assessment reflects a market value of \$826,555 or \$241.19 per square foot of living area, including land, which is within the range established by the best comparable sales in the record in terms of overall value and slightly below the range on a per-square-foot basis. The subject dwelling of 3,427 square feet of living area is bracketed in size from the three comparable sale dwellings. Furthermore, while the subject falls at the low-end of the range in terms of its estimated market value, the Board finds this is logical given that the subject is older than the comparable sales that were presented by the board of review. After considering adjustments to the comparables for differences, the Board finds a reduction in the subject's assessment is not justified on grounds of overvaluation.

The taxpayer also contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted data on a total of eight comparables with equity data for the Board's consideration although the board of review asserted only comparables #4 and #5 were presented for uniformity purposes. The Board has given reduced weight to appellant's three comparables as the dwellings have unfinished basements which is an inferior characteristic when compared to the subject's 1,660 square foot finished basement.

The Board finds the best evidence of assessment equity consist of the five comparable properties presented by the board of review as each dwelling features a finished basement. The

comparables have varying degrees of similarity to the subject in age, exterior construction and other features. These five comparables had improvement assessments that ranged from \$177,800 to \$210,060 or from \$55.33 to \$63.66 per square foot of living area. The subject's improvement assessment of \$209,870 or \$61.24 per square foot of living area falls within the range established by the best comparables in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on grounds of lack of uniformity.

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

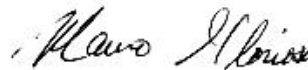
DISSENTING: _____

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 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

John Courtney, by attorney:
Robert Rosenfeld
Robert H. Rosenfeld and Associates, LLC
33 North Dearborn Street
Suite 1850
Chicago, IL 60602

COUNTY

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