



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

APPELLANT: Daniel Gutman
DOCKET NO.: 16-06476.001-R-1
PARCEL NO.: 06-03-320-012

The parties of record before the Property Tax Appeal Board are Daniel Gutman, the appellant, 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: \$15,610
IMPR.: \$59,290
TOTAL: \$74,900

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 one-story dwelling of frame exterior construction with 1,882 square feet of living area. The dwelling was constructed in 1921. Features of the home include a partial basement with finished area,¹ central air conditioning, two fireplaces² and a 440 square foot garage. The property has a 14,875 square foot site and is located in Villa Park, York Township, DuPage County.

¹ While the appellant reported a partially finished basement for the subject dwelling, the assessing officials depict an unfinished basement for the subject. Based on this record, the Board finds this discrepancy does not prohibit a determination of the correct assessment.

² The appellant and the appellant's appraiser reported the subject dwelling features two fireplaces. The assessing officials reported three fireplaces but provided no support for the assertion such as a property record card. The Property Tax Appeal Board finds the appellant provided the best evidence of the subject's fireplace amenity.

The appellant's appeal is based on overvaluation.³ In support of this argument the appellant submitted evidence disclosing the subject property was purchased on February 27, 2014 for a price of \$217,500. The appellant reported the parties to the transaction were not related and the property was sold by the owner with the use of a realtor. The property was advertised on the market with the Multiple Listing Service for a period of 97 days before it was sold. In further support, the appellant provided a copy of the Settlement Statement reiterating the purchase price and date of purchase. The Settlement Statement also depicts the distribution of broker fees to two entities as part of the sale transaction.

Additionally, the appellant provided an exterior-only inspection appraisal of the subject property appraising the fee simple rights and prepared for an "equity loan" with an opinion of the subject's estimated market value of \$225,000 as of April 1, 2014. As part of the appraisal, it was reported the subject property was on the market for 68 days with an original asking price in November 2013 of \$235,000.

As to the subject property, the appraiser noted the property suffers from external obsolescence "due to the subject's location along a main thoroughfare." The appraiser further noted the subject's quality of construction, design and overall functional utility appeared to be typical of the area.

The appraiser used the sales comparison approach to value in arriving at the conclusion by analyzing three sales and an active listing of properties located within .18 of a mile of the subject and comparables #3 and #4 were each located along a busy road. The comparable parcels range in size from 5,000 to 7,141 square feet of land area which have been improved with bungalow or ranch (one-story) dwellings. The homes range in age from 57 to 91 years old. The dwellings range in size from 1,005 to 1,768 square feet of living area and feature full or partial basements within finished areas and one of which is a walkout-style basement. Three of the comparables have central air conditioning and one comparable has a fireplace. Each comparable has a one-car or a two-car garage. Three comparables sold between September 2013 and February 2014 for prices ranging from \$222,500 to \$239,900 or from \$126.56 to \$224.42 per square foot of living area, including land; the active listing had an asking price of \$249,000 or \$247.76 per square foot of living area, including land. The appraiser made adjustments to the comparables for financing concessions, date of sale/time, location, lot size, condition, dwelling size, room count, basement finish/style and rooms below grade among other differences. From this process, the appraiser reported adjusted sales prices ranging from \$222,000 to \$246,000 and opined an estimated market value for the subject property of \$225,000.

The appellant also provided a spreadsheet of eleven sales. The comparables were built between 1923 and 1959. The homes range in size from 1,098 to 1,876 square feet of living area. The appellant's spreadsheet failed to provide the dates of sale and simply indicated "past sale" and that most of the properties were on the market from 29 to 333 days; this data fails to establish when the sales occurred. The reported sale prices range from \$139,000 to \$267,000.

³ Although assessment equity was also marked on the Residential Appeal petition, the appellant provided no data and analysis of the lack of assessment uniformity of the subject property with data on comparable properties and their respective assessments.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect a market value of \$211,071 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$93,030. The subject's assessment reflects a market value of \$279,453 or \$148.49 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 provided the PTAX-203 Illinois Real Estate Transfer Declaration depicting that appraisal sale #2 was a "short sale" but it also depicted the property transferred via Warranty Deed and was advertised prior to sale. As to the sale of the subject, it was hand-written on the transfer declaration "s.b. Executor Deed" but this document also depicted the property was advertised prior to sale. It was also highlighted from the Settlement Statement that the sale of the subject was a "cash deal."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales. The comparables have sites that range in size from 7,043 to 17,613 square feet of land area. The comparable properties are improved with bungalow (one-story) dwellings of frame exterior construction that were built between 1917 and 1927. The homes range in size from 1,096 to 1,518 square feet of living area. Each dwelling has a basement, two of which have finished areas. Two of the comparables have central air conditioning and three of the comparables each have a fireplace. Each property has a garage ranging in size from 280 to 790 square feet of building area. The comparables sold from January 2014 to April 2015 for prices ranging from \$237,000 to \$285,000 or from \$180.39 to \$216.97 per square foot of living area, land included.

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 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 appellant provided data concerning the February 2014 purchase of the subject property and an appraisal of the subject property with an opinion of value as of April 1, 2014 whereas the board of review provided six sales of comparable properties to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the board of review sales as each dwelling is substantially smaller than the subject dwelling which results in higher sales prices per square foot when compared to the subject. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. The Board further finds the board of review did not present any substantive evidence to

challenge the arm's length nature of the sale transaction concerning the subject property other than to assert it transferred via Executor's Deed (or should have so transferred). On this record, the board of review did not substantively refute the contention that the purchase price was reflective of market value as of the date of sale.

The Property Tax Appeal Board has given some weight to the recent purchase price of the subject property but finds the best evidence of market value to be the appellant's appraisal of the subject property dated April 1, 2014 with an estimated market value of \$225,000. The appraisal was performed after the purchase and reflects the subject's location on a busy thoroughfare along with consideration of the purchase price. Moreover, two of the sale in the appraisal were much more similar to the subject dwelling in living area square footage and displayed purchase prices of \$222,500 and \$225,000, which is substantially less than the subject's January 1, 2016 estimated market value as reflected by its assessment of \$279,453 or \$148.49 per square foot of living area, land included. Based on this record the Board finds the subject property was overvalued and had a market value of \$225,000 as of January 1, 2016. Since market value has been determined the 2016 three year average median level of assessment for DuPage County of 33.29% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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



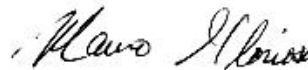
Member

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

Daniel Gutman
176 N Villa Ave
Villa Park, IL 60161

COUNTY

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