



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

APPELLANT: Damian Ortiz
DOCKET NO.: 16-06697.001-R-1
PARCEL NO.: 09-26-307-021

The parties of record before the Property Tax Appeal Board are Damian Ortiz, the appellant, by attorney Glenn S. Guttman of Rieff Schramm Kanter & Guttman 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: \$76,720
IMPR.: \$274,990
TOTAL: \$351,710

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 with a stone and stucco exterior containing with 6,402 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a four-car attached garage. The property has a site with approximately 2.08 acres located in Willowbrook, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$975,000 as of January 1, 2015. The appraisal was prepared by Stephen C. Lauer, a certified residential appraiser. The purpose of the appraisal was to develop an opinion of market value and the property rights appraised were the fee simple interest. The appraiser described the subject property as an average quality stone and stucco two-story single-family home. The appraiser

stated the subject features a kitchen that is not commensurate with homes in this value bracket. The report also states the property was purchased in September 2013 for \$775,000 as a foreclosure in need of some updating and repairs. Some of the repairs were made to make the house livable.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using six comparable sales improved with five part two-story and part one-story dwellings and one part two-story, part three-story and part one-story dwelling that range in size from 4,262 to 8,500 square feet of living area. The dwellings were built from 1993 to 2009. The comparables are located in Willowbrook, Burr Ridge and Darien from .42 to 2.17 miles from the subject property. Four comparables have a full unfinished basement and two comparables have full finished basements. Each comparable has central air conditioning, from two to four fireplaces and a three-car or four-car garage that range in size from 681 to 1,378 square feet of building area. The comparables have sites ranging in size from .32 to 1.0 acre. The sales occurred from May 2014 to May 2015 for prices ranging from \$700,000 to \$1,290,000 or from \$151.76 to \$178.28 per square foot of living area including land. The appraiser adjusted the comparables for site size, condition, size and features to arrive at adjusted prices ranging from \$871,170 to \$1,073,170. Based on this analysis the appraiser arrived at an estimated market value of \$975,000 or \$152.30 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$351,710. The subject's assessment reflects a market value of \$1,056,503 or \$165.03 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 support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with part two-story and part one-story dwellings with brick exteriors that range in size from 5,935 to 7,391 square feet of living area. The dwellings were built from 1994 to 2011. The comparables were located in Burr Ridge and Hinsdale from 1.0 mile to 1.25 miles from the subject property. Each comparable has a full or partial basement with one having finished area, central air conditioning, two to five fireplaces and a garage ranging in size from 966 to 1,218 square feet of building area. The comparables have sites ranging in size from 27,295 to 32,522 square feet of land and area either 1.32 or 1.44 acres smaller than the subject site. These properties sold from August 2014 to November 2015 for prices ranging from \$1,300,000 to \$1,750,000 or from \$175.89 to \$259.11 per square foot of living area, including land.

The board of review also submitted two land sales to demonstrate the appellant's appraiser's site adjustment was too low. These properties had sites of .86 and .78 acres that sold in June 2015 and October 2015 for prices of \$550,000 and \$350,000 or \$639,535 and \$448,718 per acre, respectively. The board of review argued the appellant's appraiser's land adjustments of approximately \$85,022 to \$96,899 per acre were minimal. The board of review also critiqued the improved sales used by the appraiser. The board of review requested the assessment be confirmed.

The appellant's counsel submitted rebuttal comments asserting that the board of review made no adjustments to its comparables. The appellant argued the Property Tax Appeal Board should give no weight to the information provided by the board of review.

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.

Initially, the Board finds the appellant submitted an appraisal estimating the subject property had a market value of \$975,000 as of January 1, 2015. The Board finds the effective date of the appraisal is one year prior to the assessment date at issue using five comparable sales that occurred in 2014. Due the effective date of the report and the date of the sales, the Board gives little weight to the conclusion of value developed by the appellant's appraiser for the January 1, 2016 assessment date. In reviewing the appraisal, the Board finds the best sales to be appraisal comparable #3 and appraisal comparable #5. These two sales were similar to the subject in size, sold within fourteen months of the assessment date and had the lowest net adjustments to their respective sales prices. These two comparables had adjusted prices of \$1,059,120 and \$1,057,690, respectively. The subject's assessment reflects a market value of \$1,056,503, which is supported by the two best sales in the appellant's appraisal. The Board gives less weight to the remaining sales in the appraisal due to differences from the subject in size and/or the date of sale being less proximate in time to the assessment date.

The board of review comparables were relatively similar to the subject in style, age, size and features. These properties sold from August 2014 to November 2015 for prices ranging from \$1,300,000 to \$1,750,000 or from \$175.89 to \$259.11 per square foot of living area, including land. The two sales that occurred in 2015 had prices of \$1,300,000 and \$1,750,000 or \$175.89 and \$259.11 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$1,056,503 or \$165.03 per square foot of living area, including land, which is below the range established by the board of review comparable sales and is well supported.

Based on this evidence the Board finds the assessment of the subject property has established by the board of review is correct and a reduction in the subject's assessment is not 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: 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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