



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

APPELLANT: Robert Feiler
DOCKET NO.: 16-06750.001-R-1
PARCEL NO.: 05-29-403-011

The parties of record before the Property Tax Appeal Board are Robert Feiler, 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: \$36,950
IMPR.: \$88,760
TOTAL: \$125,710

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 of frame exterior construction with 2,184 square feet of living area. The dwelling was constructed in 1980. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 528 square foot garage. The property has an 11,957 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 information on five comparable sales as depicted with individual Multiple Listing Service (MLS) data sheets, four of these comparables were also set forth in a two-page grid analysis. For a complete analysis, the Property Tax Appeal Board will examine the data for all five comparable sales provided by the appellant.

The comparables consist of two-story dwellings of frame or frame and masonry exterior construction. The homes were built between 1980 and 1984 and range in size from 2,304 to 2,778 square feet of living area. Each dwelling features a basement, one of which has 500 square feet of finished area. Each home has central air conditioning, a fireplace and a garage ranging in size from 420 to 504 square feet of building area. The comparables sold between March 2015 and January 2016 for prices ranging from \$375,000 to \$429,000 or from \$134.99 to \$186.20 per square foot of living area, including land.

As part of the submission, the appellant also included a copy of the 2015 tax year Final Decision of the DuPage County Board of Review depicting the issuance of a reduction in the subject's 2015 tax year assessment from \$134,630 to \$119,900. This assessment reduction was shown as issued to "concur with a recommendation by the township assessor."

Based on this evidence, the appellant requested a reduced total assessment of \$125,000 which would reflect a market value of approximately \$375,000 or \$171.70 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$141,120. The subject's assessment reflects a market value of \$423,911 or \$194.10 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 submitted a memorandum asserting that appellant's comparable #1 sold in "fair condition" at the time of the sale and appellant's comparable #3 was not an arm's-length sale transaction as depicted in the PTAX-203 Illinois Real Estate Transfer Declaration which depicts the property was advertised prior to sale, but was also a Bank REO (real estate owned) property.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales. The comparables consist of two-story dwellings of frame or frame and masonry exterior construction. The homes were built between 1980 and 1988 and range in size from 2,268 to 2,737 square feet of living area. Each dwelling features a basement with finished areas ranging in size from 900 to 1,500 square feet. The homes have central air conditioning, a fireplace and a garage ranging in size from 420 to 484 square feet of building area. The comparables sold between May 2014 and October 2016 for prices ranging from \$443,000 to \$585,000 or from \$195.06 to \$213.74 per square foot of living area, including land.

Based on this 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted a total of eleven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #1 and #3 along with board of review comparable #6 as each of these dwellings exceed 2,700 square feet of living area which makes these dwellings substantially larger than the subject dwelling of 2,184 square feet. The Board has also given reduced weight to board of review comparables #1 and #3 as these properties each sold in 2014, dates more remote in time to the valuation date at issue of January 1, 2017 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. Reduced weight has been given to board of review comparables #2, #4 and #5 as these dwellings each feature 900 or 1,000 square feet of finished basement areas which is a superior feature when compared to the subject's unfinished basement.

The Board finds the best evidence of market value to be appellant's comparable sales #2, #4 and #5. These three comparables were similar to the subject in location, age, design and most features; the homes range in size from 2,304 to 2,568 square feet of living area and comparable #5 has 500 square feet of finished basement area which would necessitate a downward adjustment for this superior feature. These most similar comparables sold between October 2015 and January 2016 for prices ranging from \$415,500 to \$429,000 or from \$164.33 to \$186.20 per square foot of living area, including land. The subject's assessment reflects a market value of \$423,911 or \$194.10 per square foot of living area, including land, which is above the range established by the best comparable sales in this record on a per-square-foot basis. Furthermore, the Property Tax Appeal Board recognizes that the highest per-square-foot sale price among these most similar comparables is associated with the superior comparable #5 with finished basement area; comparable sales #2 and #4, each without finished basement areas, present sales prices of \$164.33 and \$170.85 per square foot of living area, including land. 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. Therefore, after considering adjustments to the best three comparable sales in the record for differences such as age, dwelling sizes and/or basement finish when compared to the smaller subject dwelling, the Board finds that the subject appears to be overvalued and a reduction in the subject's assessment 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: 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

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