



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

APPELLANT: Joel Clousing
DOCKET NO.: 16-06766.001-R-1
PARCEL NO.: 05-20-102-018

The parties of record before the Property Tax Appeal Board are Joel Clousing, the appellant, by attorney Stuart T. Edelstein, of Stuart T. Edelstein, Ltd. 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 **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: \$26,390
IMPR.: \$109,596
TOTAL: \$135,986

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 is improved with a two-story frame dwelling containing 2,676 square feet of living area that was built in 1982. Features of the home include a basement with finished area, central air conditioning, a fireplace, and a garage containing 440 square feet of building area. The property has a 9,800-square foot lot 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 an appraisal estimating the subject property had a market value of \$408,000 as of January 13, 2016. The appraisal was prepared by Roy C. Tremain, a certified residential real estate appraiser. The intended use of the summary appraisal report was "...to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property."

The appraiser developed the sales comparison approach to value using four comparable sales and two comparable listings. The sales were located from .13 to .49 of a mile from the subject property. The comparable sales are improved with two-story, single family dwellings of frame or frame and masonry exterior construction. They range in size from 2,528 to 2,986 square feet of living area, and range in age from 36 to 51 years old. The comparables have sites ranging in size from 9,568 to 12,689 square feet of land area. Each comparable has a basement with finished area, central air conditioning, a fireplace, and a 2-car garage. The sales of the comparables occurred from July to October 2015 for prices ranging from \$385,000 to \$426,500 or from \$133.96 to \$168.71 per square foot of living area, including land. The appraiser made adjustments to each of the comparables for differences in dwelling and/or site size, age, condition, and porch/patio/deck amenities when compared to the subject dwelling. After making adjustments, the appraiser arrived at adjusted prices of the comparable sales ranging from \$386,500 to \$424,000.

The two comparable listings were located .24 and .75 of a mile from the subject and had listing prices of \$389,000 and \$449,900 or \$184.45 and \$197.24 per square foot of living area, land included. After making adjustments to the two listings for differences relative to the subject, the appraiser arrived at adjusted listing prices of \$397,550 and \$439,305.

The appraiser ultimately arrived at an estimated value of the subject of \$408,000 or \$152.47 per square foot of living area, land included.

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$135,986 to reflect the appraised value at a statutory assessment level of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$160,030. The subject's assessment reflects an estimated market value of \$480,715 or \$179.64 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Lake 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 five comparable sales located from .03 to .14 of a mile from the subject and within the same assessment neighborhood code as assigned to the subject property. The comparables consist of two-story frame or frame and masonry dwellings that were built from 1982 to 1985. The dwellings range in size from 2,154 to 2,875 square feet of living area. Each comparable has a basement with three having finished areas. Each home also has central air conditioning, one or two fireplaces, and a 2-car garage, containing either 462 or 467 square feet of building area. The properties have sites ranging in size from 9,676 to 14,999 square feet of land area. The sales occurred from August 2013 to September 2015 for prices ranging from \$430,000 to \$585,000 or from \$191.54 to \$203.48 per square foot of living area, including land.

The board of review also submitted a separate grid analysis with information on the comparable sales utilized by the appellant's appraiser; property record cards for the subject property and the parties' comparables; an Illinois Real Estate Transfer Declaration (PTAX-203) form for one of

the comparable sales used by the appraiser; and an aerial map depicting the locations of the subject and each of the parties' comparables.

The board of review submitted a narrative brief prepared by the Township Assessor arguing that the purpose of the appraisal report is for mortgage finance transaction and not an opinion of the *ad valorem* assessment value. Additionally, the Township Assessor contended that the appellant's comparables are not in the subject's assessment neighborhood; they are older in age compared to the board of review comparables; comparable sale #3 was sold through a relocation company; and the appraiser utilized two listings with no sales history on record showing that these two listings eventually sold.

Based on this evidence and argument, the board of review requested that no change be made to 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 submitted an appraisal report containing information of four comparable sales and two listings, and the board of review submitted five comparable sales in support of their respective positions before the Property Tax Appeal Board.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The fact that this was a summary appraisal report prepared on behalf of a financial institution does not detract from the validity of the appraiser's opinion of fair market value as of the effective date of the report, January 13, 2016. The appraiser relied on the sales comparison approach to value and utilized credible sales data to arrive at an estimated value conclusion. Each of the comparable sales used by the appraiser were located close in proximity to the subject; each comparable sale was relatively similar to the subject in lot size, dwelling size, age, design, construction, and features; and each sold proximate in time to the subject's January 1, 2016 assessment date. The Board finds that the appraiser made appropriate adjustments to the comparable sales where they differed from the subject in dwelling and/or site size, age, condition, and porch/patio/deck amenities. Furthermore, the Board finds that the appraiser's opinion of value was based on a well-reasoned analysis of the data.

The Board gave less weight to the appraiser's two comparable listings as there is no data to suggest that these listing sold proximate to the subject's assessment date of January 1, 2016 and, therefore, these two listing are not a reliable indicator of subject's market value as of the assessment date at issue. For similar reason, the Board gave less weight to board of review comparables #1, #2, and #3 based on their dated sales in 2013 which is too remote in time relative to the subject's assessment date at issue to be a reliable indicator of the subject's market value as of that date. Finally, the Board gave less weight to board of review comparable #5

based on this dwelling's lack of finished basement area, unlike the subject which has 537 square feet of finished basement area.

As to the board of review's argument that the appellant's comparables are outside of the subject's neighborhood, the Board finds this argument unpersuasive based on the evidence presented depicting each of the appellant's sales being located less than one-half of a mile from the subject property. The Board finds that comparable sale #3 in the appraisal report was sold by a relocation company. However, as noted on the PTAX-203 form, the property was advertised for sale, the sale was not compulsory, there is no evidence of duress, and this sale appears to be an arm's-length transaction.

Based on this record, the Board finds the sales comparison approach developed by the appraiser was better supported and more credible than the raw sales data provided by the board of review. Each comparable sale presented by the appraiser was described with reasonable and appropriate adjustments made to them when compared to the subject, unlike the board of review's raw sales. Based on the evidence in this record, the Board finds that the appraiser's final value conclusion is well-reasoned, credible and persuasive.

The subject's assessment reflects a market value of \$480,715 or \$179.64 per square foot of living area, land included, which is above the value conclusion established by the appellant's appraiser of \$408,000 or \$152.47 per square foot of living area, including land. Therefore, the Board finds that a reduction in the subject's assessment to reflect the value conclusion of the appellant's appraiser is warranted. Since market value has been established, the 2016 three-year average median level of assessments for DuPage County of 33.29% as determined by the Illinois Department of Revenue 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



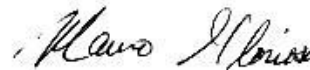
Member

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: June 16, 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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