



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

APPELLANT: Paul & Joanne Couture
DOCKET NO.: 17-05556.001-R-1
PARCEL NO.: 05-01-108-002

The parties of record before the Property Tax Appeal Board are Paul and Joanne Couture, the appellants, by attorney William I. Sandrick of Sandrick Law Firm, LLC in South Holland; 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: \$19,110
IMPR.: \$120,630
TOTAL: \$139,740

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2017 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 2.5-story single family dwelling of frame construction with 4,024 square feet of living area.¹ The dwelling was built in 1939. Features of the home include a partial basement that is partially finished, central air conditioning, two fireplaces and a two-car attached garage. The property has a 29,988 square foot site and is located in Lombard, Milton Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$403,000 as of May 10, 2016. The appraisal was prepared by Anthony Disalvo, a Certified Residential Real Estate Appraiser. The client was identified as JPMorgan Chase Bank, N.A. The

¹ The best evidence of size of the dwelling is contained in appellants' appraisal which has a schematic diagram with measurements and calculations.

assignment type was a refinance transaction. The purpose of the appraisal was to provide the lender/client with an accurate and adequately supported opinion of market value of the subject property. The appraiser reported that the property was owner occupied. The appraiser developed both the cost approach to value and the sales comparison approach to value.

Using the cost approach to value the appraiser estimated the site value to be \$120,000 using an abstraction method. The replacement cost new of the improvements was estimated to be \$384,463. Physical depreciation was estimated to be \$96,722 using the age life method and adding \$8,000 for flooring being finished. External obsolescence was estimated to be \$15,000 based on the subject dwelling facing Swift Road, an arterial road with elevated traffic levels. Using these calculations, the appraiser arrived at an estimated value under the cost approach of \$404,700.

The appraiser used five comparable sales in arriving at an estimate of value under the sales comparison approach.² The comparables are improved with two-story colonial style dwellings that range in size from 1,728 to 4,050 square feet of living area. The homes range in age from 26 to 100 years old. Four of the comparables have basements with two having finished area. Each home has central air conditioning, one or two fireplaces and two-car or a three-car garage. These properties have sites ranging in size from 7,606 to 30,018 square feet of land area. The comparables are located from 1.11 to 3.71 miles from the subject property. The sales occurred from August 2015 to February 2016 for prices ranging from \$367,000 to \$462,500 or from \$108.23 to \$234.09 per square foot of living area, including land. The appraiser adjusted the comparables for differences from the subject to arrive at adjusted prices ranging from \$394,021 to \$409,396. The appraiser arrived at an estimated value under the sales comparison approach of \$403,000.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to arrive at a market value estimate of \$403,000 as of May 16, 2016.

The appellants also referenced on the appeal form that the subject property was the subject matter of an appeal before the Property Tax Appeal Board the prior tax year under Docket No. 16-06360.001-R-1. On April 23, 2019, the Property Tax Appeal Board issued a decision in the 2016 appeal based on equity and the weight of the evidence reducing the subject's total assessment to \$134,160.

The appellants requested the subject's assessment be reduced to \$134,320.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$183,760. The subject's assessment reflects a market value of \$551,335 or \$137.01 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue. The board of review also reported that 2015 was the first year of the general assessment period for the subject property.

² Comparable #5 was described as a listing with a contract date of February 2016.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the Milton Township Assessor's Office. The comparables are improved with one, 2.5-story dwelling and four, 2-story dwellings of frame construction that range in size from 1,404 to 3,070 square feet of living area. The homes were built from 1887 to 1958. Each home has a basement that is partially finished, central air conditioning and a two-car or a three-car garage. Three of the comparables have one or two fireplaces. The properties have sites ranging in size from 3,209 to 39,800 square feet of land area. The sales occurred from July 2015 to January 2017 for prices ranging from \$255,000 to \$590,000 or from \$181.62 to \$208.03 per square foot of living area, including land.

The board of review requested the assessment be confirmed.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds, pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), a reduction in the subject's assessment is appropriate.

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 on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

35 ILCS 200/16-185. The Board finds that the subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2016 tax year under Docket No. 16-06360.001-R-1 in which a decision was issued reducing the subject's assessment to \$134,160. The record further disclosed the subject property is an owner-occupied dwelling. The Board also finds that the 2016 and 2017 tax years are in the same general assessment period and an equalization factor of 1.0416 was applied in Milton Township in 2017. Furthermore, the decision of the Property Tax Appeal Board for the 2016 tax year was not reversed or modified upon review and there was no evidence the property sold establishing a different fair cash value. Therefore, the Property Tax Appeal Board finds the assessment as established by decision for the 2016 tax year should be carried forward to the 2017 tax year subject only to the equalization factor applied in 2017, pursuant to the dictates of Section 16-185 of the Property Tax Code, resulting in a total assessment of \$139,740, which is lower than the assessment as established by the board of

review. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted.

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: August 18, 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

Paul & Joanne Couture, by attorney:
William I. Sandrick
Sandrick Law Firm, LLC
16475 Van Dam Road
South Holland, IL 60473

COUNTY

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