



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

APPELLANT: K6 LLC Robert Keith  
DOCKET NO.: 19-08413.001-R-1  
PARCEL NO.: 05-20-101-047

The parties of record before the Property Tax Appeal Board are K6 LLC Robert Keith, the appellant, by Greg Earl, Attorney at Law, in Geneva, 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:** \$30,710  
**IMPR.:** \$87,970  
**TOTAL:** \$118,680

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 2019 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 ranch-style dwelling of frame exterior construction with approximately 1,460 square feet of living area.<sup>1</sup> The dwelling was constructed in 1956. Features of the home include a partial basement that is finished, central air conditioning, a fireplace and a detached two-car garage containing 440 square feet of building area. The property has a 10,143 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 a 20-page appraisal prepared by James Swerdon, a Certified Residential Real Estate Appraiser, who prepared the report for *ad valorem* tax purposes and estimated the subject

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<sup>1</sup> The parties each have schematic drawings to support their respective dwelling size conclusions which differ from one another by one-square-foot. The Board finds on this record that this insignificant discrepancy does not prevent a determination of the correct assessment.

property had a market value of \$327,000 using the sales comparison approach to value as of January 1, 2018.<sup>2</sup>

While the dwelling has an actual age of 62 years, Swerdon reported an effective age for the subject of 20 years. Furthermore, the appraiser described the subject dwelling to be in average condition with no signs of deferred maintenance upon inspection of the premises. (Appraisal, p. 7). As part of the appraisal, Swerdon noted the subject property sold in September 2017 for \$347,500.

Using the sales comparison approach, Swerdon analyzed three comparable sales which were located from .13 to .17 of a mile from the subject. The comparables have sites that range in size from 8,920 to 11,387 square feet of land area and were improved with one-story dwellings of frame exterior construction. The homes were either 60 or 68 years old and were described by the appraiser as having the same average quality of construction as the subject. The subject's condition was also deemed by Swerdon to be average along with comparable #2 while comparable #1 was average- and comparable #3 was deemed good-. The homes range in size from 1,263 to 1,889 square feet of living area. Each home features a full basement with finished area, central air conditioning and either a one-car or a two-car garage. Comparable #1 has a fireplace. The comparables sold from May 2016 to June 2017 for prices ranging from \$310,000 to \$355,000 or from \$176.28 to \$281.08 per square foot of living area, land included.

The appraiser applied adjustments to the comparables for differences when compared to the subject for condition, bathroom count, dwelling size, lack of a fireplace and/or garage size differences. Through this process, Swerdon opined adjusted sales prices ranging from \$324,600 to \$331,400, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$327,000 or \$223.97 per square foot of living area, based upon the dwelling size of 1,460 square feet of living area, including land, as of January 1, 2018. Based on this evidence, the appellant requested a total assessment reflective of the appraised value conclusion at approximately 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 \$118,680. The subject's assessment reflects a market value of \$359,745 or \$246.40 per square foot of living area, land included, when using the 2019 three year average median level of assessment for DuPage County of 32.99% as determined by the Illinois Department of Revenue.

In response, the board of review submitted a memorandum from the Milton Township Assessor's Office which in part reported that the subject property was purchased in September 2017 for \$347,000 as shown in the PTAX-203 Illinois Real Estate Transfer Declaration provided. The assessor further noted the appraisal sales were similar to the subject dwelling but for date of sale and/or difference in dwelling size.

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<sup>2</sup> The copy of the appellant's appraisal report filed with the Property Tax Appeal Board appears to have been photocopied in a manner that cut off the bottom portion of an original report printed on legal-sized paper. The Board finds the majority of the report has been presented for consideration with only a few portions missing.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on three comparable sales located in the same assessment neighborhood code as the subject and from .29 to .72 of a mile from the subject. A map supplied by the board of review displays all comparable sales in the record and that the appraisal sales are closer in proximity to the subject than the board of review comparables. The comparables have sites that range in size from 11,449 to 15,982 square feet of land area and were improved with one-story dwellings of frame exterior construction. The homes were built from 1955 to 1959 and range in size from 1,330 to 1,428 square feet of living area. Each home features a full basement with finished area, central air conditioning, one or two fireplaces and either a carport, a one-car or a two-car garage. The comparables sold in either July 2016 or June 2018 for prices ranging from \$325,000 to \$390,000 or from \$244.36 to \$284.26 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal of the subject property while the board of review submitted three comparable sales to support their respective positions before the Property Tax Appeal Board and both parties also acknowledged the September 2017 sale of the subject property for \$347,500. The Property Tax Appeal Board has given reduced weight to the value conclusion of the appellant's appraisal as of January 1, 2018, a year prior to the lien date at issue, since it was based upon sales that occurred in 2016 and 2017, dates further remote in time to the valuation date at issue. Furthermore, the Board finds that appraiser Swerdon failed to articulate a basis for the subject's reduced market value opinion that was \$20,500 below the subject's recent sale price, a mere three months previously. As a consequence of giving little weight to the appraised value conclusion, the Board will examine the six raw sales contained in the record along with the 2017 sale of the subject property.

The Board has given reduced weight to appraisal sales #1 and #3 along with board of review sale #3, each of which sold in 2016, a date more remote in time to the valuation date at issue of January 1, 2019.

The Board finds the best evidence of market value to be the 2017 sale price of the subject property along with appraisal sale #2 and board of review comparable sales #1 and #2. The subject sold in September 2017 for \$347,500 or for \$238.18 per square foot of living area, including land, and the best comparable sales in the record sold in June 2017 and June 2018 for prices ranging from \$325,000 to \$385,000 or from \$176.28 to \$269.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$359,745 or \$246.40 per square foot of living area, including land, which is within the range established by the best comparable sales in the record and only somewhat above the subject's September 2017 sale

price. Based on this evidence and after considering adjustments to the best comparables for differences when compared to the subject and considering that the subject's sale price occurred 15 months prior to the lien date, the Board finds on this record that 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.

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Chairman



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Member



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Member



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Member



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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: July 19, 2022



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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

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