



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

APPELLANT: K6 LLC Robert Keith
DOCKET NO.: 19-09077.001-R-1
PARCEL NO.: 05-09-424-005

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: \$19,810
IMPR.: \$72,510
TOTAL: \$92,320

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 masonry exterior construction with approximately 1,267 square feet of living area.¹ The dwelling was constructed in 1926. Features of the home include a full basement with finished area, central air conditioning and a detached one-car garage. The property has an approximately 6,538 square foot site² and is located in Wheaton, Milton Township, DuPage County.

¹ The parties differ on the subject's dwelling size by 5 square feet. While both parties provided schematic drawings of the dwelling to support their calculations, the Board finds that the appellant's appraiser included a more detailed drawing with measurements to the nearest decimal point and thus appears to be the more precise calculation.

² Again, the parties disagree slightly on the lot size, but the appraiser qualified the size opinion as "subject to survey" whereas the board of review supplied a copy of the property record card setting forth a lot size of 132 x 50, which the Board finds to be the best indication of the subject's lot size.

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 property had a market value of \$254,000 using the sales comparison approach to value as of January 1, 2018.³

While the dwelling has an actual age of 92 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).

Using the sales comparison approach, Swerdon analyzed three comparable sales which were located from .08 to .25 of a mile from the subject. The comparables have sites that range in size from 7,206 to 8,399 square feet of land area and were improved with one-story ranch-style dwellings of brick exterior construction. The homes range in age from 62 to 65 years old and two of the comparables were described by the appraiser as having the same average quality of construction and condition as the subject; appraisal sale #1 was noted for both quality of construction and condition as average-. The homes range in size from 1,220 to 1,388 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. The comparables sold from February 2015 to October 2017 for prices ranging from \$235,000 to \$266,000 or from \$191.64 to \$213.11 per square foot of living area, land included.

The appraiser applied adjustments to the comparables for differences when compared to the subject for quality of construction, condition, bathroom count, dwelling size, porch/patio amenities and/or garage size differences. Through this process, Swerdon opined adjusted sales prices ranging from \$253,000 to \$256,000, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$254,000 or \$200.47 per square foot of living area, based upon the dwelling size of 1,267 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 \$92,320. The subject's assessment reflects a market value of \$279,842 or \$220.87 per square foot of living area, land included, based on a dwelling size of 1,267 square feet of living area and 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 appraisal sale #1 was sold via Executor's Deed as shown in the PTAX-203 Illinois Real Estate Transfer Declaration provided and reportedly was sold in as-is condition. The assessor further noted the appraisal sales #2 and #3 were no longer included in the sales ratio study for tax year 2019 due to the dates of sale in 2015.

³ 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 five comparable sales located in the same assessment neighborhood code as the subject and from .01 to .26 of a mile from the subject. A map supplied by the board of review displays all comparable sales in the record and that all of the sales are in relatively close proximity to the subject. The comparables have sites that range in size from 6,537 to 8,412 square feet of land area and were improved with one-story dwellings of frame, masonry or frame and masonry exterior construction. The homes were built from 1926 to 1955 and range in size from 1,181 to 1,386 square feet of living area. Four of the comparables have full or partial basements, three of which have finished area. Four homes feature central air conditioning, three dwellings each have a fireplace and each comparable has either a one-car or a two-car garage. The comparables sold from June 2016 to March 2019 for prices ranging from \$289,900 to \$325,000 or from \$223.67 to \$280.03 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 five comparable sales to support their respective positions before the Property Tax Appeal Board. 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 two sales that occurred in 2015 and one sale that occurred in 2017, dates further remote in time to the valuation date at issue. As a consequence of giving little weight to the appraised value conclusion, the Board will examine the eight raw sales contained in the record.

The Board has given reduced weight to each of the appraisal sales along with board of review sales #4 and #5, which sold in from 2015 to 2017, dates 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 board of review comparable sales #1, #2 and #3 which sold more proximate to the lien date and are similar to the subject in location and design and present varying degrees of similarity to the subject in age, size, air conditioning and some other features. For instance, the Board recognizes that various adjustments would be necessary to these comparables for superior age/date of construction, dwelling size differences, lack of a basement foundation and/or finished basement area along with garage size differences. The three comparables sold from June 2018 to March 2019 for prices ranging from \$289,900 to \$310,000 or from \$223.67 to \$247.88 per square foot of living area, including land. The subject's assessment reflects a market value of \$279,842 or \$220.87 per square foot of living area, including land, which is below the range established by the best comparable sales in the record both in terms of overall value and on a per-square-foot basis which is logical given that

that the subject dwelling is older than each of these best comparable sales. Based on this evidence and after considering adjustments to the best comparables for differences when compared to the subject, the Board finds the subject is not overvalued and thus 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: July 19, 2022



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

K6 LLC Robert Keith, by attorney:
Greg Earl
Attorney at Law
17 North 6th Street
Geneva, IL 60134

COUNTY

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