



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

APPELLANT: Steven Mevorah
DOCKET NO.: 22-03643.001-R-2
PARCEL NO.: 05-30-411-015

The parties of record before the Property Tax Appeal Board are Steven Mevorah, the appellant, by attorney Terrence J. Benshoof, of Calabrese Associates, P.C. in Warrenville; 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: \$36,414
IMPR.: \$299,876
TOTAL: \$336,290

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 2022 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Preliminary Matter

Prior to the hearing, the appellant, Mr. Mevorah, a licensed attorney in the State of Illinois, requested permission to question the appraiser. Permission was granted without objection.

Findings of Fact

The parties appeared before the Property Tax Appeal Board on April 3, 2024 for a hearing at the DuPage Center in Wheaton pursuant to prior written notice dated February 13, 2024. Appearing was the appellant Steven H. Mevorah, by Terrence J. Benshoof, and their witness appraiser Paul D. Brose. Appearing on behalf of the DuPage County Board of Review was Donald Whistler, Member of the DuPage County Board of Review, along with the board of review's witness, Luke Wiesbrock, Residential Deputy Assessor for Milton Township.

The subject property consists of a two-story dwelling of brick exterior construction with 5,168 square feet of living area.¹ The dwelling was constructed in approximately 2006 and is 16 years old. Features of the home include a basement with finished area, central air conditioning, one fireplace and a 3-car garage. The property has an approximately 14,295 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 an appraisal estimating the subject property had a market value of \$873,000 as of January 1, 2022. The appraisal was prepared by Paul D. Brose, a Certified Residential Real Estate Appraiser with the intended use to estimate the retrospective market value of the subject property.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting seven comparable sales located from 0.06 of a mile to 1.41 miles from the subject property. The comparables have sites that range in size from 11,324 square feet of land area to 1.45-acres and are improved with two-story dwellings of brick or brick and frame exterior construction ranging in size from 3,228 to 5,882 square feet of living area. The dwellings range in age from 6 to 34 years old. Each comparable has a basement with four having finished area. Each dwelling has central air conditioning, one to four fireplaces and either a 3-car or a 4-car garage. The comparables sold from September 2020 to November 2021 for prices ranging from \$620,000 to \$1,002,025 or from \$134.23 to \$275.71 per square foot of living area, land included.

After adjusting comparable #7 for Sale or Financing Concessions, the appraiser adjusted the comparables for differences with the subject in site size, view, condition, room count, dwelling size, basement features, garage capacity and other elements, arriving at adjusted sale prices of the comparables ranging from \$715,200 to \$968,200 and an opinion of market value for the subject of \$873,000. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value.

The appraiser, Mr. Brose, testified he has been a Certified Residential Real Estate Appraiser since 1993, and his credentials and qualifications were accepted without objection. [pages 6-8] Mr. Brose described condition issues of the subject with respect to flooring on the second story of the subject property, stating "There's some issues with the second floor area that extends from the bedroom through the entire upper hallway where there's definitely physical damage below the level of the finished flooring which is carpet." [page 11] Brose speculated this damage was structural, testifying he is not a construction professional and that the actual extent of the damage was not known. Mr. Brose described the second story hallway flooring as "unlevel and soft." [page 12] As to other deficiencies identified in the appraisal report, Mr. Brose testified there was "obvious water damage observed in the master bedroom," holes in some walls, door jambs that have been broken free and dents in kitchen appliances. [page 12, 16] Lastly, the appraiser described the condition of exterior brick pavers in the walkway, patio and driveway as being "deteriorated far beyond what I've seen in the rest of my experience as an appraiser." When

¹ The Board finds the best description of the subject's dwelling size was found in the appraisal report, submitted with transcripts, which included a more detailed sketch of the subject improvement than contained in the board of review's property record card.

asked if the reported deficiencies affect the value of the subject property, Mr. Brose stated that they did affect the value of the subject property. [pages 17-19]

The appellant, Mr. Mevorah, then testified he lives in the subject dwelling with his wife and three grown children, one of which has special needs. Mr. Mevorah explained his special needs child would jump up and down by the railing in front of a bedroom and that over time he opined this repeated activity caused the damage to the second story flooring. [page 21] As to the exterior brick pavers, Mr. Mevorah speculated an inferior or defective product was installed. Mr. Mevorah also testified he has not repaired interior damage to the subject property because it would likely reoccur. [pages 23,24]

On cross examination, Mr. Whistler pointed out an error in the fireplace adjustment for appraisal comparable #3 of \$30,000 which he opined should be \$3,000. [page 25] On redirect, Mr. Mevorah asked Mr. Brose if the erroneous adjustment would affect the appraiser's opinion of value to which the appraiser reported it would likely have a small difference, something less than \$27,000. [pages 28-29] The board of review critiqued the appellant's appraisal noting no age adjustment was made for comparables #1, #2, #4 and #7 which range from approximately 11 years newer in age to 18 years older in age when compared to the subject's chronological age of 16 years. The board of review also questioned the lack of adjustment for comparable #5 which has a location on a busy road.² [page 26]

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$395,330. The subject's assessment reflects a market value of \$1,186,465 or \$229.58 per square foot of living area, land included, when using 5,168 square feet of living area and the 2022 three-year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue. The board of review notes disclosed the first year of the subject's general assessment cycle was 2019.

In support of its contention of the correct assessment the board of review submitted information on seven comparable sales in two grids.³ The properties are located from 0.25 of a mile to 2.08 miles from the subject property. Board of review comparable #2 is the same property as appraisal comparable #3. The comparables have sites that range in size from 13,877 to 28,850 square feet of living area and are improved with two-story dwellings of masonry or frame and masonry exterior construction ranging in size from 3,506 to 5,640 square feet of living area. The homes were built from 2001 to 2008. Each comparable has a basement with six having finished area. Each dwelling has central air conditioning, one or two fireplaces and a garage ranging in size from 739 to 1,205 square feet of building area. The comparables sold from May 2021 to April 2022 for prices ranging from \$890,000 to \$1,320,000 or from \$230.50 to \$253.85 per square foot of living area, land included.

Mr. Whistler introduced his witness Luke Wiesbrock, Deputy Residential Assessor for Milton Township. Mr. Wiesbrock testified the appellant signed a stipulation agreement for the 2019 tax

² At hearing this question was not addressed by the appraiser as the hearing officer then discovered the appraisal of record lacked a signature on URAR page 4. The board of review's copy of the appraisal also lacked a signature.

³ The Board finds the best source of comparable sales information for the board of review's market value evidence was found in its Comparable Report. The board of review's comparable sales found in the Section IV grid analysis included six properties where one is a duplicate.

year which reduced the subject's total assessment to \$316,670⁴ and that according to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) this "rollover" provision is applicable to the 2022 assessment of the subject property. Mr. Wiesbrock testified that equalization factors of 1.0271, 1.0094 and 1.0243 were issued for tax years 2020, 2021 and 2022, respectively for Milton Township. Mr. Wiesbrock testified that applying the 2020, 2021 and 2022 equalization factors to the subject's stipulated 2019 total assessment of \$316,670 results in a 2022 total assessment of \$336,290 for the subject. [pages 30-32]

The board of review also submitted copies of the property record cards for the subject and its comparable sales along with a map depicting proximity of the subject with both parties comparables. Based on this evidence, the board of review offered to stipulate to a total assessed value for the subject property of \$336,290.

In response to the board of review's offer to stipulate, Mr. Mevorah argued "this is a 2022 hearing and what we might have stipulated to in 2019 doesn't mean we have to stipulate to today." [page 32] Mr. Mevorah confirmed the subject is an owner-occupied residence which has not sold in an arm's length transaction since 2005. The ALJ explained the Property Tax Appeal Board is bound by section 16-185 of the Property Tax Code and cannot grant relief beyond the dictates of this section of the Property Tax Code. [pages 34-36]

Mr. Whistler noted 2023 is the first year of a new assessment cycle for Milton Township, and suggested an interior inspection by the township may benefit the appellant with respect to the subject's 2023 reassessment. The hearing officer suggested the appellant obtain cost estimates for repair work for reported condition issues associated with the subject property. Mr. Mevorah responded the problem with an interior inspection by township officials is that "they'd have no idea how much this would cost to fix." Mr. Mevorah further speculated that "I'd have to tear out my floor to get that cost estimate" or that it would "entail tearing down a part of the house to get that estimate" which, he testified, is why he was not going to get a cost-to-cure estimate for condition issues at the subject property. [pages 39-42] The appellant rejected the stipulation offer from the board of review and requested PTAB write a decision based on the evidence presented.

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).

⁴ The Property Tax Appeal Board takes judicial notice the subject property was the subject matter of an appeal before the Board the prior year under Docket No. 19-08025.001-R-1. In that appeal, the Property Tax Appeal Board issued a decision lowering the total assessment of the subject property to \$316,670 based on an agreement between the parties.

The appellant submitted an appraisal and the board of review submitted evidence of a 2019 favorable PTAB decision and six comparable sales, one of which was also selected by the appraiser, for the Board's consideration.

The Board finds, section 16-185 of the Property Tax Code (35 ILCS 200/16-185) is controlling in this appeal and a reduction in the subject's assessment consistent with application of this statute is warranted. In pertinent part, section 16-185 of the Property Tax Code provides:

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.

The Board finds the subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2019 tax year under Docket No. 19-08025.001-R-1 in which a decision was issued based on an agreement between the parties reducing the subject's total assessment to \$316,670. The record indicates the subject property is an owner-occupied dwelling. The Board also finds that the 2019 and 2022 tax years are within the same general assessment period and equalization factors of 1.0271, 1.0094 and 1.0243 were applied in Milton Township in 2020, 2021 and 2022, respectively. Furthermore, the decision of the Property Tax Appeal Board for the 2019 tax year has not been reversed or modified upon review and there was no evidence the subject property subsequently sold establishing a different fair cash value. Therefore, applying section 16-185 of the Property Tax Code results in a reduced total assessment of \$336,290 for the subject property.

Furthermore, notwithstanding the dictates of section 16-185 of the Property Tax Code, the record contains an appraisal and six comparable sales. Initially, the Board finds it problematic the appraiser's interior inspection of the subject property occurred in October 2018, nearly four years prior to the September 2022 report date, particularly given the appellant's contention of second story flooring damage and other interior deficiencies. (Addendum page 1) The appraiser states in the addendum a "hypothetical assumption" was made regarding the subject's condition, which assumes the condition of the subject property as of January 1, 2022 to be the same as that observed in October 2018.⁵ In the reconciliation section of the appraisal (URAR page 2) the appraiser indicates the value for the subject is in its "as is" condition, failing to clearly and accurately disclose all assumptions, extraordinary assumptions, hypothetical conditions and limiting conditions of the assignment as required under Standard 2: Real Property Appraisal, Reporting of USPAP.

⁵ The appraiser incorrectly uses the term "hypothetical assumption" in the appraisal. A hypothetical assumption as explained in Uniform Standards of Professional Appraisal Practice (USPAP) reflects conditions that are contrary to known facts about the physical, legal or economic characteristics of the subject property. The appraiser should have stated an extraordinary assumption was made with respect to the subject property's condition. An extraordinary assumption under USPAP reflects an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.

Additionally, the appraisal contains no documentary support for the reported condition issues and contains several inconsistencies and errors. Some of which include inconsistent information regarding the subject's effective age (URAR page 1 and Addendum page 3), no age adjustments made for any of the comparables which range from approximately 10 years newer to 18 years older, a \$30,000 erroneous fireplace adjustment and no adjustment made for comparable #4, which sold in September 2020, while a graph included in the appraisal report clearly shows an upward trend in the average sale prices for the subject's market area from 2020 to 2022. For these reasons the Board finds the credibility and reliability of the appraiser's opinion of value for the subject to be questionable. The Board shall, however, consider the raw sales submitted in the appellant's appraisal.

The Board gives less weight to appraisal comparables #1 through #5 and #7 along with board of review comparables #2 and #6, including the common property, which differ from the subject in age, site size, dwelling size, basement features, sold in 2020 less proximate to the January 1, 2020 assessment date and/or reflect an outlier based on per square foot sale price. The Board finds the best evidence of market value to be appraisal comparable #6 as well as board of review comparables #1, #3, #4, #5 and #7 which are more similar to the subject in location, age, site size, design, dwelling size and most features. These best comparables sold from April 2021 to April 2022 for prices ranging from \$1,002,025 to \$1,320,000 or from \$170.35 to \$248.21 per square foot of living area, land included. The subject's total assessment after reduction reflects a market value of \$1,009,273 or \$195.29 per square foot of living area, land included, which falls within the range established by the best comparable sales in the record. The Board finds on this record the comparables demonstrate the subject property, once reduced as an owner-occupied property, is correctly valued for assessment purposes.

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

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 16, 2024



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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