



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

APPELLANT: Sandra McFarron, Trustee
DOCKET NO.: 23-05226.001-R-1
PARCEL NO.: 05-17-431-056

The parties of record before the Property Tax Appeal Board are Sandra McFarron, Trustee, the appellant; 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: \$16,570
IMPR.: \$135,630
TOTAL: \$152,200

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 2023 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 1-story residential condominium unit located within a 5-story building of brick exterior construction. The dwelling has 2,350 square feet of living area and is 25 years old. Features of the unit include central air conditioning and one indoor heated parking space. The property is located in Wheaton, Milton Township, DuPage County.

The appellant contends both overvaluation and assessment inequity concerning both the land and improvement assessments as the bases of the appeal. In support of these arguments, the appellant submitted information on three comparables located within the same assessment neighborhood code and located within the same building as the subject or an adjoining building. The appellant did not disclose any parcel sizes for the subject or the comparables. The comparables are improved with 1-story residential condominium units each located in a 5-story building of brick exterior construction. The dwellings each have 2,350 square feet of living area and are 25 years old. Each comparable has central air conditioning and each property has two

indoor heated parking spaces. The comparables have land assessments of \$16,570 and have improvement assessments of \$152,900 or \$65.06 per square foot of living area. Comparable #3 sold in August 2021 for a price of \$429,000 or \$182.55 per square foot of living area, including land.

The appellant submitted a brief explaining the subject is a condominium unit within the Waterford Place Condominium, which is comprised of three buildings. The appellant contended the subject is assessed unfairly compared to the comparable properties given the subject has only one heated indoor parking space and the comparables each have two heated indoor parking spaces, but have identical assessments compared to the subject. The appellant argued the subject's fair market value is less than the fair market value of properties with two parking spaces. The appellant contended a parking space has a value of \$35,000. The appellant asserted, other than comparable #3, the only sale within the condominium was a smaller unit with two parking spaces that sold in July 2023 for a price of \$435,000. The appellant further contended the condominium adopted a special assessment on units in the condominium for roofing replacement, which the appellant argued would reduce market demand for the units. The appellant submitted a copy of a resolution dated January 16, 2024 for this special assessment.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$150,330.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$169,470. The subject has a land assessment of \$16,570 and an improvement assessment of \$152,900 or \$65.06 per square foot of living area. The subject's assessment reflects a market value of \$508,461 or \$216.37 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.¹

In support of its contention of the correct assessment the board of review submitted information on nine comparables, seven of which are located within the same assessment neighborhood code as the subject. Comparables #1, #6, and #7 are the same properties as the appellant's comparables #1, #2, and #3, respectively. The comparables are improved with 1-story residential condominium units ranging in size from 2,162 to 2,350 square feet of living area. The dwellings were built from 1998 to 2008. Each comparable has central air conditioning and two comparables each have a fireplace. The board of review did not provide information regarding these comparables' parking amenities. The comparables have land assessments of \$16,570 and \$22,740 and have improvement assessments ranging from \$152,900 to \$198,150 or from \$65.06 to \$89.93 per square foot of living area. Three comparables sold from October 2020 to January 2022 for prices ranging from \$429,000 to \$599,900 or from \$182.55 to \$277.47 per square foot of living area, including land.

The board of review presented a brief contending that two of the board of review's sales are located in an adjacent assessment neighborhood code given a lack of sales within the subject's

¹ Section 1910.50(c)(1) of the Board's procedural rules provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill. Adm. Code § 1910.50(c)(1). As of the development of this Final Administrative Decision, the Department of Revenue has not published figures for tax year 2023.

assessment neighborhood code. The board of review contended parking spaces within the subject's condominium are not assessed. The board of review asserted the appellant's comparable #2/board of review's comparable #6 sold in March 2024 for a price of \$525,000 and sold again in April 2024 for a price of \$545,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued the parking spaces should be included in the assessments in order to distinguish the properties with two parking spaces from the properties with one parking space like the subject. The appellant presented copies of deeds indicating the board of review's comparables #8 and #9 each have two parking spaces. The appellant contended the only sale presented by the parties within the subject's condominium is the best evidence of market value. The appellant asserted the board of review's comparables #8 and #9 differ from the subject in location, age, fireplace amenity, and condominium common facilities like a clubhouse, exercise facility, and swimming pool which the subject's condominium lacks.

Conclusion of Law

The appellant contends in part 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.Adm.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.Adm.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter, the appellant raised an issue concerning the effect on market value of a special assessment on properties within the subject's condominium. The appellant presented a copy of a resolution indicating this special assessment was adopted in January 2024, approximately one year after the January 1, 2023 assessment date at issue in this appeal. Therefore, the Board finds the fact is irrelevant to as to the 2023 tax year.

The record contains a total of three comparable sales, with one common sale, for the Board's consideration. The Board finds these comparables have varying degrees of similarity to the subject in dwelling size, age, location, and features. Two of these comparables are newer dwellings than the subject and are located within a condominium with superior amenities compared to the subject's condominium, suggesting downward adjustments to these comparables would be needed for these features to make them more equivalent to the subject. These comparables have two parking spaces compared to the subject's one parking space, suggesting additional downward adjustments to these comparables would be needed for this feature. The comparables sold for prices ranging from \$429,000 to \$599,900 or from \$182.55 to \$277.47 per square foot of living area, including land. The subject's assessment reflects a market value of \$508,461 or \$216.37 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but appears to be excessive after considering appropriate adjustments to the comparables for differences from the subject. Based on this evidence, the Board finds a reduction for overvaluation in the subject's assessment is justified.

The appellant also contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a further reduction in the subject's assessment is not warranted given the reduction for market value considerations.

The record contains a total of nine equity comparables, with three common comparables, for the Board's consideration. The Board gives less weight to the board of review's comparables #8 and #9, which are located in a different condominium and assessment neighborhood code than the subject.

With regard to improvement assessment equity, the Board finds the best evidence to be the appellant's comparables and the board of review's comparables #1 through #7, including the three common comparables, which are similar or identical to the subject in dwelling size, age, location, and features. The record indicates three of these comparables each have two parking spaces unlike the subject, but the parties did not disclose the number of parking spaces for the remaining comparables. These comparables have an improvement assessment of \$152,900 or \$65.06 per square foot of living area. The subject's improvement assessment of \$135,630 or \$57.71 per square foot of living area as reduced herein falls below the best comparables in this record. Based on this evidence, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed after being reduced on market value grounds and no further reduction in the subject's improvement assessment is warranted on the basis of assessment equity.

With regard to land assessment equity, the Board finds neither party disclosed the site sizes of the subject or the comparables for comparison to determine whether the subject's land has been equitably assessed. The comparables have land assessments ranging of \$16,570 or \$22,740. The subject's land assessment of \$16,570 is within the range established by the comparables and is equal to all but two of the comparables presented by the parties. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's land was inequitably assessed and no reduction in the subject's land 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:

November 19, 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

AGENCY

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