



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

APPELLANT: Mark Schinsky
DOCKET NO.: 12-03206.001-R-1
PARCEL NO.: 07-07-303-005

The parties of record before the Property Tax Appeal Board are Mark Schinsky, the appellant, by attorney Laura Godek of Laura Moore Godek, PC in McHenry, and the DuPage County Board of Review.

Based on the facts and exhibits presented, 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: \$54,510
IMPR: \$120,980
TOTAL: \$175,490**

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 2012 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 two-story dwelling of frame and brick exterior construction with 3,762 square feet of living area. The dwelling was constructed in 1991. Features of the home include a partial basement, central air conditioning, two fireplaces and an attached three-car garage. The property has

an 11,800 square foot site and is located in Aurora, Naperville Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on six comparable sales located within 1.38-miles from the subject property with copies of the Multiple Listing Service data sheets attached. Based on this evidence, the appellant requested a total assessment of \$133,549 which would reflect a market value of approximately \$400,647 or \$106.50 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$194,440. The subject's assessment reflects a market value of \$583,553 or \$155.12 per square foot of living area, land included, when using the 2012 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

In response to the appellant's data, the board of review reported that the subject property last sold in November 2007, a date approximately 50 months prior to the valuation date at issue in this matter of January 1, 2012, for \$747,001. The board of review also asserted that due to the appellant's sales #1, #3, #4, #5 and #6 "being from a very later 2012 sales period, they could not be confirmed thru the Recorder of Deed's [sic] Office."¹ The board of review also noted that appellant's comparables #3 through #6 "lack exterior masonry" and comparable #2 has a two-car garage. Lastly, the board of review contended that appellant's comparable #1 "faces a well travelled street in the development as well as lacking a Golf Course view." The assessing officials describe the subject property as being on a golf course.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales in the same neighborhood code as assigned to the subject property and which are on the golf course like the subject. The board of review acknowledged that comparables #1 and #2 were slightly larger than the subject dwelling while comparable #3 was slightly smaller. Also, comparables #1 and #3 lack a three-car garage feature. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

¹ The Board takes notice that the board of review's responsive evidence in this matter was received by the Property Tax Appeal Board on May 1, 2014.

In rebuttal, counsel for the appellant contended that each of the comparable sales the appellant presented were in the subject's subdivision of Stonebridge and were on the golf course, like the subject. For appellant's comparable sales #1, #3, #4, #5 and #6 the appellant submitted copies of the PTAX-203 Illinois Real Estate Transfer Declaration reflecting that the properties were advertised for sale prior to the transaction. As to the location of appellant's comparable #1, the appellant's counsel argued the property is nearly twice the size of the subject parcel and carries an assessment of \$72,730 as compared to the subject's land assessment of \$54,510.

As a final analysis, the appellant's counsel analyzed all nine comparable sales arriving at a median sales price for the subject of \$529,789 (Exhibit 11) and an alternative analysis of the five comparables most similar to the subject in dwelling size which reflected a median sales price of \$526,680 (Exhibit 12).

As to the board of review's comparable sales, the appellant contends the dwellings differ from the subject in size by either 10% or 13%. In addition, appellant's counsel noted differences between the board of review's comparables and the subject in features, age, basement finish, basement style, pond view and/or recent updates.

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

The parties submitted a total of nine of comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #3 along with the board of review's comparables which all differ more substantially in dwelling size when compared to the subject home. The Board finds the best evidence of market value to be appellant's comparable sales #1, #2, #4, #5 and #6. These most similar comparables sold for prices ranging from \$454,000 to \$540,000 or from \$118.69 to \$149.58 per square foot

of living area, including land. The subject's assessment reflects a market value of \$583,553 or \$155.12 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

Member

J. R.

Member

DISSENTING:

C E R T I F I C A T I O N

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: March 20, 2015

A. Portol

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 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 the subsequent year 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.

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.