



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

APPELLANT: Kenneth & Maria Losacco
DOCKET NO.: 12-03236.001-R-1
PARCEL NO.: 01-14-105-009

The parties of record before the Property Tax Appeal Board are Kenneth & Maria Losacco, the appellants, by attorney William I. Sandrick of Sandrick Law Firm LLC, in South Holland, 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: \$26,040
IMPR.: \$70,590
TOTAL: \$96,630

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 brick exterior construction with approximately 2,700 square feet of living area. The dwelling was constructed in 1992. Features of the home include a full basement, central air conditioning, a

fireplace and a two-car garage. The property is located in Bartlett, Wayne Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$290,000 as of January 1, 2012. The appraiser utilized the cost approach and the sales comparison approach to value. Under the cost approach, the appraiser estimated a value for the subject of \$317,600. For the sales comparison approach, the appraiser analyzed three sales that occurred between September and November 2011. The homes contain either 2,445 or 2,705 square feet of living area and were 16 to 21 years old. These properties sold for price ranging from \$282,000 to \$310,000 or from \$110.17 to \$115.34 per square foot of living area, including land. Based on this evidence, the appellants requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$117,560. The subject's assessment reflects a market value of \$352,821 or \$130.67 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 appeal, the township assessor asserted the appellants' appraiser selected three low sales when "there were a plethora of available sales in the subject neighborhood during the latter half of 2011."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on nine comparable sales that occurred between June 2011 and November 2011. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

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

The Board finds the best evidence of market value to be the appraisal submitted by the appellants with an estimated market value of \$290,000. Contrary to the contention of the township assessor, the sales considered by the appellants' appraiser occurred in the same time frame as the sales presented by the board of review. The board of review failed to adequately refute the adjustments made in the appraisal for differences from the subject property. The Board finds that board of review comparable #2 differs from the subject by backing to a forest preserve. In addition, board of review comparables #1, #3, #4, #5 and #8 each differ from the subject by having a three-car garage. The subject's assessment reflects a market value of \$352,821 or \$130.67 per square foot of living area, including land, which is above the appraised value and above board of review comparables #6, #7 and #9.

In conclusion, the Board finds the subject property had a market value of \$290,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for DuPage County of 33.32% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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.