



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

APPELLANT: Dennis Slomski
DOCKET NO.: 06-00449.001-R-1
PARCEL NO.: 19-09-05-429-026

The parties of record before the Property Tax Appeal Board are Dennis Slomski, the appellant, by attorney Edwin M. Wittenstein of Worsek & Vihon, Chicago; and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 22,567
IMPR: \$127,433
TOTAL: \$150,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story brick dwelling containing 2,864 square feet of living area that was built in 2004. Features include a full basement, central air conditioning, a fireplace and a 689 square foot attached garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted a settlement statement indicating the subject property was purchased from the builder for \$415,489 in July 2004. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$157,304 was disclosed. The subject's assessment reflects an estimated market value of \$472,243 or \$164.89 per square foot of living area including land using Will County's 2006 three-year median level of assessments of 33.31%.

In support of the subject's assessment, the board of review submitted property record cards, a location map and a market analysis of three suggested comparables located in close proximity within the subject's subdivision. The comparables consist of one-story brick dwellings that were built in 2005 or 2006. The comparables have unfinished basements, central air conditioning and garages ranging in size from 746 to 767 square feet. Two comparables have a fireplace. The dwellings range in size from 2,551 to 2,673 square feet of living area. The comparables sold from September 2005 to January 2006 for prices ranging from \$411,163 to \$426,655 or from \$158.20 to \$163.14 per square foot of living area including land. Based on the evidence submitted, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the evidence overcomes this burden.

The appellant submitted a settlement statement showing the subject property was purchased from the builder for \$415,489 in July 2004. The Property Tax Appeal Board finds the subject sale occurred 17 months prior to the January 1, 2006, assessment date. Thus, the board finds this sale to be less indicative of the subject's fair market value, as demonstrated by the comparable sales submitted by the board of review that bracket the subject's January 1, 2006 assessment date. In this framework, the Board finds the board of review submitted three similar comparable sales located in the subject's subdivision,

but the comparables are slightly smaller when compared to the subject. The comparables sold from September 2005 to January 2006 for prices ranging from \$411,163 to \$426,655 or from \$158.20 to \$163.14 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$472,243 or \$164.89 per square foot of living area including land, which falls above the range established by the comparable sales. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is excessive and a reduction 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Harold H. Lewis

Member

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: December 23, 2009

Allen Castrovillari

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.