



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

APPELLANT: Greg Sterijeovski
DOCKET NO.: 07-04447.001-R-1
PARCEL NO.: 10-01-307-010

The parties of record before the Property Tax Appeal Board are Greg Sterijeovski, the appellant; and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 91,130
IMPR.: \$205,490
TOTAL: \$296,620

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a part two-story and part one story brick dwelling containing 4,685 square feet of living area that was built in 1988. Amenities include a partial unfinished basement, central air conditioning, a fireplace, and a 780 square foot attached garage. The subject dwelling is situated on an 8,891 square foot lot with 118 adjusted front feet.

The appellant appeared before the Property Tax Appeal Board arguing both overvaluation and unequal treatment in the assessment process regarding the subject's land and improvement assessments as the bases of the appeal.

In support of the overvaluation argument, the appellant indicated the subject property was purchased in May 2002 for \$660,000. In addition, the appellant submitted sales information on three suggested comparable sales located from ½ of a mile to ¾ of a mile from the subject. The comparables consist of part two-story

and part one-story brick or brick and frame dwellings that were built from 1998 to 2006. The appellant indicated all the comparables have full or partial finished basements, two or three fireplaces, central air conditioning and attached garages that contain from 750 to 905 square feet. The dwellings range in size from 3,838 to 5,780 square feet of living area. The comparables sold from June 2006 to January 2008 for prices ranging from \$1,070,000 to \$2,550,000 or from \$278.79 to \$441.18 per square of living area including land.

These same comparables have improvement assessments ranging from \$178,340 to \$283,950 or from \$46.17 to \$51.65 per square foot of living area. The subject property has an improvement assessment of \$205,490 or \$43.86 per square foot of living area. The comparables are situated on lots that range in size from 13,050 to 69,000 square feet of land area with adjusted frontages ranging from 88 to 193 front feet. They have land assessments ranging from \$50,420 to \$170,920 or from \$1.38 to \$5.14 per square foot of land area. The subject property has a land assessment of \$91,130 or \$3.05 per square foot of land area.

The appellant argued the subject's assessment increased by 37% from the prior assessment year, which is unjust in consideration of the depressed housing market. The appellant argued there are several foreclosed properties in the subject's market area that decreases the value of the subject property by up to 40%. The appellant cited several sources to support the claim of declining property values. (See Reuters article, Standard and Poors, and Case Shiller Price Index for the Chicagoland area. The appellant also argued many of the comparable have lower property tax bills than the subject. As a result, the appellant requested a reduction in the subject's assessment to reflect a fair market value of \$635,000. The appellant acknowledged the subject property was purchased in May 2002 for \$660,000.

Based on the evidence presented, the appellant requested a reduction in the subject's land and improvement assessments.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$296,620 was disclosed. The subject's assessment reflects an estimated market value of \$891,822 or \$190.36 per square foot of living area including land using DuPage County's 2007 three-year median level of assessment of 33.26%. In support of the subject's assessment, the board of review submitted a letter addressing the appeal, property record cards and a market/assessment analysis of five suggested comparables located along the subject's street. Joni Gaddis, Chief Deputy Assessor for Downers Grove Township, was present at the hearing for direct testimony and cross-examination regarding the evidence prepared on behalf of the board of review.

The comparables consist of part two-story and part one-story brick or frame dwellings that were built from 1991 to 2001. Four

comparables have full unfinished basements and one comparable has a full, partial finished basement. The comparables have garages that contain from 697 to 840 square feet. The dwellings range in size from 3,614 to 4,553 square feet of living area. The comparables sold from January 2004 to July 2007 for prices ranging from \$916,000 to \$1,050,000 or from \$212.63 to \$262.84 per square of living area including land.

These same comparables have improvement assessments ranging from \$172,590 to \$213,140 or from \$45.65 to \$49.33 per square foot of living area. The subject property has an improvement assessment of \$205,490 or \$43.86 per square foot of living area. The deputy assessor testified residential lots in the subject assessment neighborhood are valued on a front foot basis. The comparables contain from 121 to 146 front feet and have land assessments ranging from \$50,420 to \$170,920 or from \$769.25 to \$771.58 per front foot of land area. The subject property has a land assessment of \$91,130 or \$772.29 per front foot of land area.

With regard to the evidence submitted by the appellant, the deputy assessor testified the comparables are located in different assessment neighborhoods and subdivisions than the subject. The assessor noted appellant's comparable 1 resold in March 2008 for \$1,300,000 or \$224.91 per square foot of living area including land. However, the assessor testified the sale was a "short sale", meaning the property sold for less than its outstanding mortgage amount.

Based on this evidence, the board of review requested confirmation of the subject's land and improvement assessments.

Under questioning, the assessor testified she has recognized decreasing property values in 2008 and 2009, but the market was somewhat stable in 2007.

In rebuttal, the appellant argued the comparables used by the assessor are newer than the subject. The appellant also presented photographs of numerous "for sale" signs, claiming this evidence shows the subject's assessment increase of 37% from 2006 is not justified. The appellant also indicated two properties located in the subject's subdivision have been listed for sale for over \$1,000,000, but their prices have been reduced to \$899,000 and \$775,000, respectively. The Board finds it cannot consider this new evidence. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties**. A party to the appeal shall be precluded from submitting its own case in chief in guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

After hearing the testimony 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 Board further finds no reduction in the subject's land or improvement assessments 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 appellant has not overcome this burden.

First, the Board gave less weight to the appellant's argument that the overall decrease in the general real estate market supports a reduction in the subject's assessed valuation and does not justify the 37% increase in the subject's assessment from the 2006 assessment year. The Board recognizes and respects the appellant's argument regarding the general decline in the real estate market as whole. However, the subject matter of this part of the appeal relates to whether the subject final assessment is reflective of its fair cash value as of the January 1, 2007. Rising and falling assessments from year to year on a percentage basis do not show whether a particular property is correctly assessed. The property's assessment at issue must be analyzed together with its physical characteristics in relation to credible market evidence as of the effective valuation date to make this determination.

The Property Tax Appeal Board gave little weight to the subject's 2002 sale price. The Board finds the transaction occurred five years prior to the subject's January 1, 2007, assessment date. The Board finds this sale to be less indicative of the subject's fair cash value as of the assessment date at issue, as demonstrated by the most similar comparable sales contained in this record that sold more proximate to the assessment date at issue in this appeal. In this same context, the Board gave less weight to comparable 4 submitted by the board of review due its 2004 sale date and its larger size when compared to the subject. The Board also gave board of review comparable 5 less weight due to its smaller size. The Board gave less weight to the comparables submitted by the appellant due to their distant location when compared to the subject. Additionally, comparable 1 is considerably larger in size when compared to the subject.

The Property Tax Appeal Board finds comparable sales 1, 2 and 3 submitted by the board of review are more similar to the subject in age, size, style, features, and date of sale. These comparable are located in close proximity along the subject's street. They sold from July 2005 to July 2006 for sale prices ranging from \$916,000 to \$1,050,000 or from \$212.63 to \$237.06 per square of living area including land. The subject's assessment reflects an estimated market value of \$891,822 or

\$190.36 per square foot of living area including land, which falls below the range established by the most similar comparable sales in this record. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction is warranted.

The appellant argued unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden of proof.

The parties submitted descriptions and assessment data for eight suggested assessment comparables for the Board's consideration. The Property Tax Appeal Board gave less weight to comparables 4 and 5 submitted by the board of review due to their smaller dwelling sizes when compared to the subject. The Board also gave less weight to the appellant's comparables due to their distant location when compared to the subject. Additionally, comparable 1 is considerably larger in size when compared to the subject. The Property Tax Appeal Board finds comparables 1, 2 and 3 submitted by the board of review are more representative of the subject in age, size, style, location and amenities. They have improvement assessments ranging from \$178,120 to \$213,140 or from \$45.65 to \$46.81 per square foot of living area. The subject property has an improvement assessment of \$205,490 or \$43.86 per square foot of living area, which falls below the range established by the most similar comparables contained in this record on a per square foot basis.

With respect to the subject's land assessment, the Board finds the parties submitted land assessment data on seven suggested comparables. The Board finds the un-refuted testimony and evidence indicates residential lots in the subject assessment neighborhood are valued on a front foot basis. The Board placed diminished weight on the comparables submitted by the appellant due to their distant location in different assessment neighborhoods and subdivisions when compared to the subject. In addition, comparables 1 and 3 contain considerably more or less front feet when compared to the subject. Similarly, the Board gave less weight to comparables 1 and 2 submitted by the board of review because they contain significantly more front feet than the subject.

The Board finds the three remaining land comparables are most similar to the subject in size and location. They contain from

121 to 124 front feet and have land assessments ranging from \$93,110 to \$95,470 or from \$769.50 to \$771.58 per front foot of land area. The subject property has 118 front feet and a land assessment of \$91,130 or \$772.28 per front foot of land area, which falls slightly above the range established by the most similar land comparables contained in this record. However, the Board finds the subject slightly higher per front foot assessment to be mathematically insignificant and follows accepted real estate valuation theory. Accepted real estate valuation theory provides, all other physical factors being equal, as the size of a property increases, its per unit value decreases. Likewise, as the size of a property decreases, its per unit value increases. Based on this analysis, the Board finds the subject's land assessment is well justified. Therefore, no reduction in the subject's land assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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.