



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

APPELLANT: Peter Jablonski
DOCKET NO.: 08-02859.001-R-1
PARCEL NO.: 09-11-301-016

The parties of record before the Property Tax Appeal Board are Peter Jablonski, the appellant, by attorney George J. Relias, of Enterprise Law Group, LLP in Chicago, 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: \$83,170
IMPR: \$176,990
TOTAL: \$260,160

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a part two-story and part one-story frame single-family dwelling that contains 3,027 square feet of living area. The home was built in 1944 and remodeled/added to in 1999. Features of the home include a full basement of which 1,172 square feet is finished,¹ central air-conditioning, a fireplace, and a 546 square foot garage. The property is located in Clarendon Hills, Downers Grove Township, DuPage County.

The appellant submitted evidence to the Property Tax Appeal Board claiming both unequal treatment in the assessment process and overvaluation as the bases of the appeal.

In support of the inequity argument, the appellant submitted a grid analysis of four comparable properties said to be located in the subject's assigned neighborhood code. The comparables were described as a one-story; two, part two-story and part one-story; and one, part two-story, part one-story and part one-and-one-

¹ The assessing officials do not report any basement finish for the subject.

half-story frame dwellings that were built between 1928 and 1958 with additions/upgrades occurring from 1972 to 2006. The dwellings range in size from 2,907 to 3,339 square feet of living area. No data on foundations, air conditioning or fireplaces was presented for the comparables. Each comparable was said to have a garage ranging in size from 483 to 624 square feet of building area. These properties have improvement assessments ranging from \$131,350 to \$170,080 or from \$45.18 to \$50.94 per square foot of living area. The subject has an improvement assessment of \$176,990 or \$58.47 per square foot of living area based on a reported dwelling size of 3,027 square feet. Based on this evidence, the appellant requested an improvement assessment of \$48.75 per square foot of living area for the subject property.

In support of the overvaluation argument, the appellant submitted an appraisal prepared for a refinance transaction by real estate appraiser Robert W. Pihera of RWP Appraisal Services estimating the subject property had a market value of \$660,000 as of February 26, 2009. The appraiser reported the subject dwelling had an effective age of 5 years. He also reported the dwelling contains 3,013 square feet of living area and provided a two-page schematic with size calculations.

Under the cost approach, the appraiser estimated the subject's land value at \$275,000 and reported while the land value exceeds 30% of the estimate market value, this was typical for the area due to positive locational factors. Using the Marshall & Swift Cost Manuals, the appraiser determined a reproduction cost new for the subject dwelling including the garage of \$413,645. Physical depreciation of \$29,534 was calculated using the age/life method resulting in a depreciated value of improvements of \$384,111. Next, a value for site improvements of \$5,000 was added. Thus, under the cost approach, the appraiser estimated a market value of \$664,111 for the subject.

Under the sales comparison approach, the appraiser used five comparables, three of which sold and two of which were listings. The properties were located between 0.11 and 0.28-miles from the subject property. The comparables consist of two-story frame or frame and brick dwellings which were from 40 to 70 years old and had estimated effective ages ranging from 5 to 13 years old. The comparables ranged in size from 1,869 to 2,980 square feet of living area. Each of the comparable properties had a full or partial basement, three of which had finished area. Each comparable had central air conditioning and a one-car or two-car garage. Four comparables had one or three fireplaces. The appraiser reported the sold properties were on the market from 26 to 199 days and the active listings were on the market for 104 and 43 days, respectively. The three sale comparables sold in June and July 2008 for prices ranging from \$593,500 to \$692,500 or from \$232.38 to \$315.79 per square foot of living area including land. The two listings had asking prices of \$572,000 and \$699,000 or \$306.05 and \$263.87 per square foot of living area including land, respectively.

In comparing the comparable properties to the subject, the appraiser made adjustments for financing concessions, date of sale, land area, quality of construction, age, dwelling size, basement size, basement finish, garage size and other amenities. The adjustments were discussed in an addendum. The appraiser reported currently the subject's area averages sales at 97% of listing prices. This analysis resulted in adjusted sales prices for the comparables ranging from \$636,340 to \$698,030 or from \$229.70 to \$340.47 per square foot of living area including land. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$660,000 or \$219.05 per square foot of living area including land based on the appraiser's size determination of 3,013 square feet of living area.

In his final reconciliation, the appraiser remarked "the value range in the sale comparison approach is \$647,500 to \$684,500."² The reproduction cost estimate closely approximates this value. The appraiser then concluded an estimate of value of \$660,000 giving greatest weight to the sales comparison approach.

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$230,750 which would reflect an estimated market value of approximately \$692,250.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$260,160 was disclosed. The subject has an estimated market value of \$781,966 or \$258.33 per square foot of living area, land included, as reflected by its assessment and DuPage County's 2008 three-year median level of assessments of 33.27%.

In response to the appeal, the board of review submitted a two-page memorandum prepared by the township assessor along with two grid analyses addressing separately equity and market value. In the memorandum, the assessor noted the appellant's appraisal was prepared for a refinance transaction, not for ad valorem purposes. "Since it was not written for this [ad valorem] purpose, little value should be given to the appraisal, if any." The assessor also noted the valuation date of the appraisal was over a year after the assessment date of January 1, 2008. The township assessor also contended that appellant's equity comparable #1 should be given little weight given its one-story design.

As to the overvaluation argument, the board of review presented five comparable properties said to be located in the same neighborhood code assigned by the assessor as the subject. The five comparables consist of a part one-and-one-half-story, part one-story and part two-story; and four part two-story and part one-story frame, masonry or frame and masonry dwellings that were built between 1966 and 1984 with renovations/remodeling occurring

² This statement is nearly correct if only the three adjusted sale prices are examined.

between 1992 and 1998. The dwellings range in size from 2,082 to 3,449 square feet of living area and feature full or partial basements, one of which was 75% finished and a garage ranging in size from 400 to 509 square feet of building area. No other detailed amenities were set forth in the spreadsheet. These properties sold between May and December 2007 for prices ranging from \$574,000 to \$970,000 or from \$245.61 to \$356.63 per square foot of living area, land included.

On grounds of equity, the board of review presented 20 properties, including the subject, said to be "every parcel in CF4-D that is a 1.7 [quality] A (frame) this is also a 2/1 story combination like the subject." The comparables were built between 1928 and 1990 with remodeling or renovations occurring between 1959 and 2006. The dwellings range in size from 2,572 to 3,490 square feet of living area and feature full or partial basements, two of which have some finished area. Each comparable has a garage ranging in size from 264 to 616 square feet of building area. No other amenity details were set forth in the spreadsheet. These properties have improvement assessments ranging from \$106,630 to \$236,250 or from \$37.00 to \$69.00, rounded, per square foot of living area. Based on this evidence the board of review requested the subject's improvement assessment be confirmed.

Based on the foregoing, the board of review requested the subject's assessment be confirmed.

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 that a reduction in the subject's assessment is not warranted.

As to the dwelling size dispute, the Board finds the best evidence in the record was presented by the board of review with a detailed schematic attached to the property record card. In addition, the appellant in the equity data reiterated the dwelling size as 3,027 square feet as reported by the board of review.

Initially the appellant's argument was 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.

The parties submitted a total of 24 equity comparables for the Board's consideration to support their respective positions. The Board gave less weight to the appellant's comparables #1 and #4

because they differed in design from the subject property. Similarly, the Board gives less weight to board of review comparables #4, #6, #9 and #19 due to design differences. The Board finds appellant's comparables #2 and #3 and the remaining 16 equity comparables submitted by the board of review were similar to the subject in terms of location, style, size, features and/or age. These comparables had improvement assessments ranging from \$37.00 to \$69.00, rounded, per square foot of living area. The subject's improvement assessment of \$58.47 per square foot of living area falls within this range. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not warranted on grounds of lack of uniformity of assessment.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. 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.

The appellant also argued overvaluation as a basis of the appeal. 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

Initially, the assessor's objection to the appraisal because it was performed for a refinance transaction will be considered. The appraisal sets forth that the property rights that were appraised were fee simple. There is nothing in this appraisal report specifically or that was presented by the assessor as to this appraisal that supports the contention that merely because the appraisal was performed for a refinance transaction that it cannot be relied upon for a market value determination as to the subject property. The appraiser considered two of the three traditional valuation methods to arrive at a value conclusion. While various questions can be raised as to the data that was considered as will be addressed below, the Board gives little weight to this specific argument made by the assessor.

The Board finds the appellant's appraisal lacks credibility for several reasons. The valuation date at issue is January 1, 2008 and this appraisal with an opinion of value as of February 26, 2009 is somewhat post-dated, particularly when considering the appraiser relied upon the sales comparison approach which analyzed sales from mid-2008 and "active listings" in this report which was completed in February 2009. Furthermore, the Board finds the appraiser's conclusion of value is suspect. The

appraiser's final per-square-foot value conclusion for the subject is significantly below the range of adjusted sale prices computed for his comparable sales and/or his listings. Once adjustments have been made to the comparables for differences to the subject, those comparables are now more similar to the subject and while the total value is bracketed by the adjusted sale prices, the per-square-foot value is not. Lastly, but for Sale #2 and Listing #5, the appraiser failed to present homes of similar size to the subject dwelling. These two properties had sale prices of \$232.38 and \$263.87 per square foot of living area including land.

Similarly, the board of review presented only two sales similar in dwelling size to the subject as board of review sales #4 and #5. These properties had sale prices of \$281.24 and \$328.01 per square foot of living area including land.

The Board finds on this record the four most similar sales sold for prices ranging from \$232.38 to \$328.01 per square foot of living area including land. The subject has an estimated market value of \$781,966 or \$258.33 per square foot of living area, land included, which is within the range of the most similar sale comparables in this record. The Board finds the subject's assessment reflects a market value that falls within the range established by the most similar comparables on a per-square-foot basis. After considering the most comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

In conclusion, the Board finds the appellant has failed to prove unequal treatment in the assessment process by clear and convincing evidence, or overvaluation by a preponderance of the evidence, and 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerbis

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: August 19, 2011

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.