



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

APPELLANT: Paul & Diane Scardino  
DOCKET NO.: 08-03547.001-R-1  
PARCEL NO.: 02-09-133-019

The parties of record before the Property Tax Appeal Board are Paul and Diane Scardino, the appellant, by attorney Brian S. Maher of the Law Offices of Weis, DuBrock, Doody & Maher, 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:** \$9,790  
**IMPR.:** \$46,550  
**TOTAL:** \$56,340

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a residential condominium unit with 871 square feet of living area. The unit has two bedrooms and one bathroom.<sup>1</sup> The condominium was constructed in 1985. The property is located in Roselle, Bloomingdale Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants' counsel asserted the subject property was purchased on May 16, 2008 for a price of \$140,000. Counsel claimed the \$175,000 purchase price was reduced by a seller credit of \$35,000 after the property was appraised for \$149,000. In support of the overvaluation argument the appellants submitted a copy of the closing statement dated May 16, 2008, indicating a contract sales price of \$175,000. The buyer of the property was listed as Irene Scardino and the seller was listed as Paul Scardino. A review of Section IV - Recent Sale Data on the Residential Appeal form disclosed the transfer was between family members.

<sup>1</sup> The appraisal submitted by the appellants indicated the subject had central air conditioning; however, the township assessor indicated the subject did not have central air conditioning.

The appellants also submitted an appraisal of the subject property estimating the property had a market value of \$149,000 as of April 10, 2008. The appraisal was prepared by state certified appraisers Monica Buckentin and Rick S. Hiton of Rick Hiton & Associates. The appraisal indicated the assignment type was a purchase transaction and the property rights appraised were the fee simple estate. The purpose to the report was to provide the lender/client with an accurate, and adequately supported, opinion of market value of the subject property. The Lender/Client was identified as NorthSide Community Bank. The appraisal stated the intended user of the appraisal is the lender client, its successors and/or assigns. The report also stated no additional intended users were identified by the appraiser. The intended use was to evaluate the property for a mortgage finance transaction.

A review of the appraisal further indicated there was a contract sales price of \$175,000 and the date of the contract was February 25, 2008. The appraisal also stated the property was not listed on the MLS (Multiple Listing Service). The appraisal further stated there was a first mortgage on the property in the amount of \$120,000 and the 2<sup>nd</sup> "purchase money mortgage" was not to exceed \$35,000.

In estimating the market value of the subject property the appraisers developed the sales comparison approach using four comparable sales and one listing. The comparables were improved with residential condominium units that were described as containing 936 and 1,000 square feet of living area. The appraisal indicated the comparables ranged in age from 25 to 28 years old. These properties were located in the same condominium complex as the subject. The data indicated that each comparable had two bedrooms, four comparables had one bathroom, one comparable had two bathrooms, each had central air conditioning and two comparables had fireplaces. The sales occurred from July 2007 to March 2008 for prices ranging from \$149,000 to \$163,000 or from \$159.19 to \$170.94 per square foot of living area. The listing had a price of \$160,000 or \$170.94 per square foot of living area. The appraisers made adjustments to the comparables for differences from the subject and also adjusted listing for time. Based on these adjustments the appraisers concluded the comparables had adjusted prices ranging from \$148,000 to \$150,500. Using these sales the appraisers estimated the subject property had a market value of \$149,000 as of April 10, 2008.

Based on this evidence the appellants requested the subject's assessment be reduced to \$49,661 to reflect a market value of \$149,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$56,340 was disclosed. In support of the assessment the board of review submitted an Addendum to Board of Review Notes on Appeal and Exhibit #1 which included a letter from John T. Dabrowski,

Assessor, and an assessment data sheet listing both the comparables contained in the appraisal and five comparables identified by the assessor. The board of review indicated the subject's assessment reflects a market value of \$169,020 or \$194.05 per square foot of living area.

In rebuttal the assessor asserted only one of the appraisers' comparables, the comparable listing, was the same model as the subject property and built in the same phase as the subject property. The assessor also indicated the comparables ranged in size from 871 to 1,135 square feet of living area, which differed from the size of the comparables contained in the appraisal.

The assessor provided five comparables that are all the same model as the subject property with each described as having two bedrooms, one bathroom and no central air conditioning. The assessor indicated the subject had no central air conditioning. Each of these comparables had 871 square feet of living area and was built in 1985. These sales occurred from January 2007 to June 2007 for prices ranging from \$171,200 to \$189,900 or from \$196.56 to \$218.03 per square foot of living area.

Based on this evidence, 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 the appeal. The Board further finds the evidence in the record supports the subject's assessment.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). 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 have not met this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, the Board finds the evidence disclosed that the subject's assessment reflects a market value of \$169,020 or \$194.05 per square foot of living area. The evidence further disclosed that the subject property sold in May 2008. The evidence also disclosed the sale may not have had the elements of an arm's length transaction due to the fact the property was not listed on the open market and the sale was between family. Setting aside the issue of whether or not the sale was arm's length, the appraisal and closing statement disclosed that the appellants entered a contract to sell the subject property for a price of \$175,000, which reflects a market value greater than the market value indicated by the assessment.

The appellants did submit an appraisal estimating the subject property had a market value of \$149,000 as of April 10, 2008. The Board gives little weight to the conclusion of value contained in the report due to the fact the appraisal was prepared for a lending institution to be used to evaluate the property for a mortgage finance transaction. There was no showing the appraisal was developed for use by the Property Tax Appeal Board for ad valorem taxation purposes. Thus the Property Tax Appeal Board gives little weight to the conclusion of value but will examine the sales data in the appraisal.

The record contains information on nine sales and one listing provided by the parties. The sales occurred from January 2007 to March 2008 for prices ranging from \$149,000 to \$189,900. Those sales most similar to the subject in style/model, size, features and age were those provided by the board of review. These comparables sold from January 2007 to June 2007 for prices ranging from \$171,200 to \$189,900 or from \$196.56 to \$218.03 per square foot of living area. The subject's assessment reflecting a market value of \$169,020 or \$194.05 per square foot of living area, is below the range established by the most similar comparable sales in the record.

In conclusion, after considering the subject's contract sales price and the comparable sales submitted by the parties, the Property Tax Appeal Board finds the subject's assessment is reflective of the property's market value as of January 1, 2008, and a reduction in the assessment is not 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. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

Acting 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, 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.