



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

APPELLANT: John Fricano
DOCKET NO.: 08-04182.001-R-1
PARCEL NO.: 03-19-406-008

The parties of record before the Property Tax Appeal Board are John Fricano, 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: \$47,450
IMPR: \$67,150
TOTAL: \$114,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a raised ranch style single family dwelling with 1,372 square feet of living area. The dwelling was constructed in 1969 and has a brick exterior. Features of the home include a basement that is finished, central air conditioning and a two-car attached garage. The property is located in Addison, Addison Township, DuPage County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant provided sales data on four comparables. The appellant described the comparables as raised ranch style dwellings that ranged in size from 1,282 to 1,482 square feet of living area. The dwellings were the same age as the subject and were of brick construction. Each comparable has a basement that was finished, each comparable has central air conditioning and each has a garage ranging in size from 462 to 817 square feet of building area. The sales occurred from 2004 to December 2008 for prices ranging from \$271,000 to \$325,000 or from \$211.39 to \$231.55 per square foot of living area.

The appellant testified that he had not measured the subject property but relied on assessment records for the size. The appellant also testified that comparable #1 was located across

the street from the subject property. The appellant also testified that the comparables #1 through #3 were identical homes built by the same builder. The appellant testified he gave most weight to the first three comparable sales. Based on this evidence the appellant requested the subject's assessment be reduced to \$106,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$114,600 was disclosed. The subject's assessment reflects a market value of approximately \$344,455 or \$251.06 per square foot of living area, including land, using the 2008 three year average median level of assessments for DuPage County of 33.27%. In support of the assessment the board of review submitted an "Addendum to Board of Review Notes on Appeal" and Exhibit #1 which includes a list of three sales indentified by the township assessor and the appellant's comparables. The township assessor's comparables included appellant's comparable sale #1. The sales were improved with raised ranch dwellings of brick or frame and brick exteriors that ranged in size from 1,302 to 1,482 square feet of living area. The dwellings were constructed in 1968 and 1969. Each had a basement that was 90% finished, one comparable had central air conditioning, one comparable had a fireplace and each had an attached garage that had either 462 or 528 square feet of building area. The sales occurred from April 2007 to June 2008 for prices ranging from \$325,000 to \$400,000 or from \$219.30 to \$289.02 per square foot of living area, land included. The witness testified these comparables were located in the same neighborhood and built by the same builder.

The board of review indicated that appellant's comparables #2 and #3 had 1,409 and 1,549 square feet of living area, respectively. Using these estimates of size appellant's comparables #2 and #3 sold for unit prices of \$227.11 and \$196.90 per square foot of living area, land included, respectively.

The board of review called as its witness Dawn Aderholt, the residential department head of the Addison Township Assessor's Office. The witness testified that three of the appellant's comparables sold after the January 1, 2008, lien date. She testified, however, that the market was flat in 2008. The witness also testified that the appellant appeared to use the lower level area in establishing the size of the subject dwelling. She testified the rear of the home has an overhang, which increases the size of the first floor level of the subject dwelling. She testified the first floor living area of the subject was 1,372 square feet and the lower level was 1,282 square feet.

The board of review witness further testified that the appellant's comparable #3 was a split level dwelling, a little different in style from the subject dwelling. The witness further testified the lower level area is not consider living area and explained the subject is not being assessed as having central air conditioning.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant testified that board of review comparables #1 and #2 were redone/remodeled, which is why they sold for the prices they commanded.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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 (3rd 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 sales in the record do not support a reduction in the subject's assessment.

The Board finds the record contains six sales submitted by the parties to support their respective positions. The Board gives little weight to appellant's comparable sale #4 due to the fact this property sold in March 2004, approximately 4 years prior to the assessment date at issue. The Board finds this sale is too old to be reflective of the market as of January 1, 2008. The Board gives little weight to appellant's comparable sale #3 due to the fact this is a split-level dwelling different to the subject's raised ranch style. The four remaining comparables are raised ranch style dwellings that ranged in size from 1,302 to 1,482 square feet of living area. Each comparable has a lower level that is 90% finished, two comparables have central air conditioning, one comparable has a fireplace and each has a two-car attached garage. The sales occurred from April 2007 to December 2008 for prices ranging from \$320,000 to \$400,000 or from \$219.30 to \$289.02 per square foot of living area, land included. The subject's assessment reflects a market value of approximately \$344,455 or \$251.06 per square foot of living area,

including land, which is within the range established by the best comparables in the record. Based on this record the Board finds the subject's assessment is reflective of the property's market value as of January 1, 2008 and a reduction 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 M. Louie

Member

Shawn R. Lerski

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: June 24, 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.