



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

APPELLANT: Paul Bochenek
DOCKET NO.: 09-03383.001-R-1
PARCEL NO.: 03-05-308-018

The parties of record before the Property Tax Appeal Board are Paul Bochenek, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. in Chicago; and the DuPage 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 DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$71,410
IMPR: \$28,590
TOTAL: \$100,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains approximately 14,939 square feet of land which is improved with a raised ranch dwelling of brick and frame construction containing approximately 1,614 square feet of living area.¹ The dwelling is 33 years old having been built in 1976. Features of the home include a finished lower level, central air conditioning, 1 fireplace and a 2-car garage containing 460 square feet. The dwelling is located in Itasca, Addison Township, DuPage County.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. The appellant submitted an appraisal report prepared by Israel Smith of I & M Valuation, P.C. in which a market value of \$300,000 or \$185.87 per square foot of living area including land was estimated for the subject property as of January 1, 2009. The appraiser developed the sales

¹ Both the appellant and the appraiser claim the subject contains 1,614 square feet of living area and supported the claim with a detailed drawing of the subject with dimensions in the appraisal. The board of review claims the subject contains 1,632 square feet of living area and submitted a property record card with dimensions to support the claim. Both schematics are similar with similar dimensions. The difference appears to be rounding error.

comparison approach and the cost approach in estimating the fair market value of the subject property.

In the sales comparison approach, the appraiser considered three comparable properties. The comparables are located a distance of 0.56 to 0.98 of a mile from the subject. The lots range in size from 7,480 to 9,425 square feet of land area. One comparable is a split-level dwelling and two are 1-story ranch dwellings of frame or brick and frame construction. They range in size from 1,291 to 1,615 square feet of living area and range in age from 43 to 52 years having been built from 1957 to 1966. Two comparables feature full basements with finished area, and one is on a crawl-space foundation. Additional features include central air conditioning and 2-car garages. The appraiser did not include any information on fireplaces. These comparables sold between March 2008 and March 2009 for prices ranging from \$257,500 to \$320,000 or from \$182.04 to \$247.87 per square foot of living area including land.

The appraiser adjusted the comparables for sales or financing concessions, site, condition, room count, gross living area, basement/foundation type and finish and porch/deck/patio. The final adjusted sale prices of the comparables range from \$271,000 to \$323,200 or from \$183.28 to \$250.35 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$300,000 or \$185.87 per square foot of living area including land as of January 1, 2009 using the sales comparison approach.

In the cost approach the appraiser estimated the value of the subject to be \$305,073 or \$189.02 per square foot of living area including land. The appraiser valued the land at \$75,000 or \$5.02 per square foot of land area.

In the reconciliation, the appraiser gave greatest weight to the sales comparison approach since market actions of buyers and sellers are best represented by the sales comparison approach. Based on this evidence, the appellant requested that the subject's assessment be reduced to \$99,990 which would reflect a market value of approximately \$300,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$148,860 was disclosed. The subject's assessment reflects an estimated market value of \$447,565 or \$277.30 per square foot of living area, land included, using the 2009 three-year median level of assessments for DuPage County of 33.26% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code Sec. 1910.50(c)(1)).

In support of the subject's assessed value, the board of review submitted a grid analysis and property record cards for three comparable properties. The board of review also submitted property record cards and a grid analysis for the appellant's comparables. The board of review's three comparables are 33 or 34

years old having been built in 1975 or 1976 and range in size from 1,331 and 1,557 square feet of living area. The comparables are raised ranch dwellings with finished lower levels, central air conditioning and garages that range in size from 460 to 624 square feet. Two of the comparables have 1 or 2 fireplaces. Two of these comparables sold in January and May 2007 for \$345,000 and \$418,000 or for \$259.20 and \$268.47 per square foot of living area including land. Comparable #3 had no recent sales data. Based on this evidence, the board of review requested confirmation of the subject's assessment.

As to the appraiser's sales, the board of review noted sale #2 was located in Cook County and sale #3 was in a different neighborhood than the subject. In addition, design and feature differences were highlighted by the board of review.

In rebuttal, the appellant's attorney submitted a brief claiming the board of review's comparable sales are too old to be considered. The attorney also claims the board of review submitted comparable sales that were not adjusted, and that the subject has one bathroom, not 2½ as claimed by the board of review.

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 the evidence in the record supports 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. When market value is the basis of the appeal, the value must be proven 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 of the subject property or comparable sales. (86 Ill.Admin.Code Sec. 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

Initially, the Board finds the correct size of the subject to be approximately 1,614 square feet of living area. Both the appellant and the appraiser claim the subject contains 1,614 square feet of living area and submitted a detailed schematic drawing of the subject with dimensions in support of the claim. The board of review claims the subject contains 1,632 square feet of living area and submitted a property record card with a schematic with dimensions to support the claim. Both schematics are similar with similar dimensions. The difference appears to be rounding error. Absent a hearing to obtain sworn testimony regarding measurements, the Board finds the subject has a dwelling size of approximately 1,614 square feet of living area based on the best evidence in this record.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$300,000 as of the subject's valuation date of January 1, 2009. The board of review submitted three comparable sales, two of which sold more than a year prior to the subject's assessment date of January 1, 2009, and one of which had no sales data reported. Therefore, the Board finds the appraisal report to be the best evidence of market value in the record. The Board further finds the subject property is overvalued and a reduction in the subject's assessment is warranted in accordance with the appellant's request.

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

J. R.

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 22, 2012

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.