



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

APPELLANT: Jacob Kowalczyk
DOCKET NO.: 09-04622.001-R-1
PARCEL NO.: 03-24-116-037

The parties of record before the Property Tax Appeal Board are Jacob Kowalczyk, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C., Des Plaines, Illinois; 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: \$36,910
IMPR: \$108,090
TOTAL: \$145,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of brick construction that contains 3,782 square feet of living area. The dwelling was constructed in 2005 and is approximately 4 years old. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a two-car attached garage. The property has a 7,220 square foot site and is located in Bensenville, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Vlad Komarov of Arrow Appraisal Team, Inc. Komarov is a State of Illinois Certified General Real Estate Appraiser. The report stated the appraisal was prepared for National City Mortgage for refinance purposes. The appraisal also indicated the property rights appraised were the fee simple interest. Using the cost approach to value and the sales comparison approach to value, the appraiser estimated the subject property had a market value of \$410,000 as of October 23, 2009.

Under the cost approach the site value was estimated to be \$50,000 using the extraction method. The appraiser estimated the

replacement cost new of the building improvements to be \$418,635. Using the age/life method, with the subject having an estimated effective age of 2 years and a total economic life of 75 years, the appraiser estimated physical depreciation to be \$11,163 resulting in a depreciated cost of the improvements of \$407,472. To this the appraiser added \$7,000 for site improvements and the land value to arrive at an estimated value under the cost approach of \$464,500.

Using the sales comparison approach to value the appraiser selected six comparables composed of four sales and two listings. The comparables were described as being composed of brick, brick and frame or brick and stone exterior construction that ranged in size from 2,945 to 4,096 square feet of living area. The properties were located in Addison and Bensenville and ranged in age from one to seven years old. Each dwelling had a full basement with two being partially finished, central air conditioning, one to three fireplaces and a two or three-car garage. Three comparables were noted to have balconies and one comparable had a swimming pool. The four sales occurred from December 2008 to September 2009 for prices ranging from \$410,000 to \$500,000 or from \$109.96 to \$122.07 per square foot of living area, including land. The two listings had prices of \$439,900 and \$475,000 or \$149.37 and \$129.78 per square foot of living area, including land, respectively. The appraiser made negative adjustments to the comparables #2, #3, #4, #5 and #6 for time or listing status. The appraiser also made adjustments to the comparables for differences from the subject for such items as lot size, construction quality, building size, finished basement, garage size, number of fireplaces and patio/deck. Based on this analysis the appraiser estimated the comparables had adjusted prices ranging from \$406,000 to \$439,000. The appraiser estimated the subject property had a value on the sales comparison approach of \$410,000.

In reconciling the two approaches to value the appraiser gave most emphasis to the sales comparison approach and estimated the subject property had a market value of \$410,000 as of October 23, 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property totaling \$179,950 was disclosed. The subject's assessment reflects a market value of approximately \$541,040 or \$143.06 per square foot of living area, including land, when applying the 2009 three year average median level of assessments for DuPage County of 33.26%.

In support of the assessment the board of review submitted an Addendum to Board of Review Notes on Appeal and an Assessment Data Sheet listing the appellant's comparables and comparables identified by the township assessor, which was marked as Exhibit #1. In rebuttal the board of review asserted the appellant's appraisal had an effective date of approximately 11 months after the assessment date at issue and the report was for mortgage

purposes not the ad valorem assessment value. The assessor further stated that the appraiser's comparable sales #1, #2 and #3 were located considerably out of the neighborhood. The assessor further stated that sales #2 and #3 were foreclosures and comparable sale number #4 was a short sale.

In support of the assessment the township assessor identified three comparable sales improved with two-story dwellings of brick and frame construction that ranged in size from 2,666 to 3,538 square feet of living area. The dwellings were constructed from 2000 to 2006 and each property had the same assessment neighborhood code as the subject property. Each comparable had a basement with one being partially finished, central air conditioning, one fireplace and a two-car garage that ranged in size from 440 to 484 square feet of building area. The sales occurred from February 2007 to March 2008 for prices ranging from \$425,000 to \$490,000 or from \$138.50 to \$159.41 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant's counsel asserted that the comparable sales in the appraisal are more similar in size to the subject than were the board of review comparable sales. Additionally, the appellant submitted copies of the MLS sheets for appraisal comparable sales #1, #3, #4 and #5 to demonstrate that each had a listing price greater than what they subsequently sold for. The MLS sheet disclosed that appraisal comparable #5 closed in December 2009 for a price of \$410,000 or \$139.22 per square foot of living area, including land.

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 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 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 evidence in the record supports a reduction in the subject's assessment based on overvaluation.

The appellant submitted an appraisal estimating the subject property had a market value of \$410,000 as of October 23, 2009. The Board finds the appraised value understates the market value of the subject property as of January 1, 2009. In reviewing the analysis the appraiser made negative time adjustments to comparables #2 through #6 to account for date of sale or listing prices. Comparables #2 through #4 sold prior to the effective

date of the appraisal from December 2008 to May 2009, with the negative adjustments indicating the market was trending down. In light of the fact that the assessment date at issue preceded these sales the Board finds these negative time adjustments are not justified.

In reviewing the sales provided by the parties, the Board finds the most probative sales include appraisal comparable sales #1, #2, #3 and #4 as well as board of review comparables sale #1. These sales were relative similar to the subject in age, size, style and features and sold most proximate in time to the assessment date at issue. These properties sold from March 2008 to September 2009 for prices ranging from \$410,000 to \$500,000 or from \$109.98 to \$138.50 per square of living area, including land. The subject's assessment reflects a market value of approximately \$541,040 or \$143.06 per square foot of living area when applying the 2009 three year average median level of assessments for DuPage County of 33.26%, which is above the range established by the best comparables in the record. Based on this record the Board finds the subject's assessment is excessive in relation to the property's market value and a reduction in the assessment is 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.

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.