



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

APPELLANT: Antonio & Virginia Ciaccio
DOCKET NO.: 09-04729.001-R-1
PARCEL NO.: 03-08-210-014

The parties of record before the Property Tax Appeal Board are Antonio & Virginia Ciaccio, the appellants, by attorney Anthony M. Farace, of Amari & Locallo 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: \$99,160
IMPR.: \$175,240
TOTAL: \$274,400

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 16,875 square foot parcel improved with a two-story style brick dwelling that was built in 2006 and contains 4,930 square feet of living area. Features of the home include central air-conditioning, one fireplace, a three-car garage and a full, unfinished basement.

The appellants submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal.¹ In support of this argument, the appellants submitted an appraisal of the subject property with an effective date of January 1, 2009. The appraiser used the sales comparison approach in estimating a value for the subject of \$825,000.

The appraiser examined five comparable properties. The comparables are situated on lots ranging in size from 9,313 to 17,250 square feet of land area and are improved with two-story

¹ The appellants' original appeal petition depicts the appellants requested an oral hearing in this matter, however, appellants' counsel waived this request and further requested a decision based on the written record.

style cedar or masonry dwellings that ranged from 2 to 7 years old and ranged in size from 4,335 to 5,280 square feet of living area. Features of the comparables include central air-conditioning, at least one fireplace, 2 or 3-car garages and full basements, three of which are finished and one is a walk-out style. The comparables sold from August 2006 to June 2009 for prices ranging from \$800,000 to \$1,000,000 or from \$162.10 to \$207.61 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as date of sale, site, quality of construction, room count, size, garage and amenities. After making these adjustments, the comparables had adjusted sales prices ranging from \$752,000 to \$887,000 or from \$150.49 to \$204.61 per square foot of living area, including land. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$825,000. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$322,830 was disclosed. The subject has an estimated market value of \$970,625 or \$196.88 per square foot of living area, including land, as reflected by its assessment and DuPage County's 2009 three-year average median level of assessments of 33.26% as determined by the Illinois Department of Revenue.

In support of the subject's estimated market value, the board of review submitted property record cards and a grid analysis of three comparable sales. The comparables consist of brick dwellings that were built in either 1996 or 2004 and range in size from 4,727 to 5,349 square feet of living area. Features of the comparables include central air-conditioning, at least one fireplace, a garage and full basements, two of which are finished. The comparables sold from February 2008 to June 2009 for prices of either \$800,000 or \$1,000,000 or from \$169.24 to \$189.39 per square foot of living area, including land.² Based on this evidence the board of review requested the subject's total 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 Board further finds a reduction in the subject property's assessment is warranted.

When market value is the basis of the appeal, the value 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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd

² Board of review comparables #1 and #2 were also used by the appellants' appraiser as comparables #5 and #3, respectively.

1256 (2nd Dist. 2000). The Board finds the appellants have met this burden.

The Board finds the appellants submitted an appraisal of the subject property in which the subject's market value was estimated to be \$825,000 as of January 1, 2009, which is the subject's assessment date. The board of review submitted three comparable sales that sold for prices of either \$800,000 or \$1,000,000 or from \$169.24 to \$189.39 per square foot of living area, including land. The appellants' appraiser examined 5 comparable sales also ranging from \$800,000 to \$1,000,000 or from \$162.10 to \$207.61 per square foot of living area, including land. The appraiser made various adjustments to the comparables which indicated adjusted sales prices ranging from \$752,000 to \$887,000 or from \$150.49 to \$204.61 per square foot of living area, including land. The Board further finds both parties utilized two of the same properties for comparison purposes. The Board further finds all of the comparables were generally similar to the subject in design, size, age, exterior construction and location. The Board finds the appraiser used a logical and proper adjustment process to account for differences of the five comparables in the appraisal when compared to the subject. The board of review employed no such adjustment process in regards to its comparables. The Board finds the best evidence of the subject's market value is found in the subject's appraisal with an effective date of January 1, 2009 as submitted by the appellants. Therefore, the Board finds the subject's market value as reflected by its assessment is excessive and a reduction is warranted.

In conclusion, the Board finds the appellants have demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted. Since fair market value has been established, the 2009 three-year weighted average median level of assessments for DuPage County of 33.26% shall apply.

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: September 20, 2013

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.