



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

APPELLANT: Eric Lasky
DOCKET NO.: 11-03684.001-R-1
PARCEL NO.: 01-26-405-011

The parties of record before the Property Tax Appeal Board are Eric Lasky, 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: \$27,390
IMPR: \$76,420
TOTAL: \$103,810

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of frame construction with brick trim. The home contains approximately 2,310 square feet of living area. The dwelling was constructed in 1981. Features of the home include a partial basement with finished area, central air conditioning and a two-car garage. The property has a 9,066 square foot site and is located in Carol Stream, Wayne Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within three miles of the subject property. The comparables consist of two-story dwellings of frame or frame and brick construction that were 24 to 32 years old and reportedly range in size from 2,376 to 2,646 square feet of living area. Each home has a partial basement, central air conditioning, a fireplace and a two-car garage. These properties sold between February and June 2011 for prices ranging from \$200,000 to \$266,750 or from \$84.18 to \$111.15 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$81,325 which would reflect a market value of approximately \$243,975 or \$105.62 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$103,810. The subject's assessment reflects a market value of \$313,152 or \$135.56 per square foot of living area, land included, when using the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

The board of review submitted a memorandum which noted that the appellant's comparables sold after January 1, 2011 and further contended that appellant's sale #1 was a "court-ordered sale by a bankruptcy trustee"; a copy of the PTAX-203 attached to the submission reveals that the property was advertised prior to its sale. Additionally, appellant's comparables #2 and #3 were located in a township other than Wayne Township. The memorandum and underlying documentation from Bloomingdale Township reflect erroneous dwelling sizes for these two comparables as reported by the appellant; the correct sizes for comparables #2 and #3 are 2,064 and 2,041 square feet, respectively, which results in sales prices of \$128.39 and \$130.70 per square foot of living area, including land, respectively.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on eight comparable sales located within 1.5-miles of the subject property and none of which are in the same neighborhood code assigned by the assessor as the subject property. The comparables consist of two-story frame dwellings that were built between 1981 and 1990. The homes range in size from 1,694 to

2,413 square feet of living area. Seven of the comparables have a full or partial basement, three of which have finished areas. Each of the homes has central air conditioning, a fireplace and a two-car garage. These properties sold between May 2009 and January 2011 for prices ranging from \$260,000 to \$375,000 or from \$135.97 to \$171.91 per square foot of living area, including land.

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

Conclusion of Law

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. 86 Ill.Admin.Code §1910.63(e). 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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of eleven sales to support their respective positions before the Property Tax Appeal Board. Due to smaller dwelling sizes when compared to the subject home, the Board has given reduced weight to appellant's comparables #2 and #3 along with board of review comparables #1, #2, #3, #4, #5 and #6.

The Board finds the best evidence of market value to be appellant's comparable sale #1 and board of review comparable sales #7 and #8. While appellant's comparable #1 was a court-ordered sale, the evidence also reveals that it was advertised prior to the sale. These most similar comparables sold for prices ranging from \$200,000 to \$375,000 or from \$84.18 to \$155.41 per square foot of living area, including land. The subject's assessment reflects a market value of \$313,152 or \$135.56 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be well-supported after considering adjustments and differences in the comparables when compared to the subject. Based on this evidence the Board finds a reduction in the subject's 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. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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: November 21, 2014

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.