



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

APPELLANT: Edward Borkowski
DOCKET NO.: 12-03717.001-R-1
PARCEL NO.: 10-11-207-017

The parties of record before the Property Tax Appeal Board are Edward Borkowski, the appellant, by attorney Ronald G. Glosniak of Leff & Cohen 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: \$126,770
IMPR: \$308,230
TOTAL: \$435,000

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 2012 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 is improved with a two-story single family dwelling of masonry construction with 6,369 square feet of living area. The dwelling was constructed in 2003 and is approximately 9 years old. Features of the home include a partially finished basement, central air conditioning, six fireplaces and a four-car attached garage. The property has a

40,183 square foot site and is located in Burr Ridge, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$1,305,000 as of January 1, 2012. The appraisal was prepared by Robert S. Kang, a certified general real estate appraiser.

In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using three comparables sales and one listing. The comparables were improved with two-story dwellings of masonry construction that ranged in size from 4,453 to 5,342 square feet of living area. The dwellings were constructed in 1998 and 1999. Each comparable was described as having a finished basement and a three-car or four car garage. The property record cards for these comparables submitted by the board of review indicated each of these comparables had central air conditioning and one, two or five fireplaces. Comparables #1 through #3 sold from March 2009 to October 2012 for prices ranging from \$900,000 to \$1,070,000 or from \$182.52 to \$209.97 per square feet of living area, including land. The appraiser indicated that comparable sale #4 had an asking price of \$975,000 or for \$198.13 per square foot of living area, including land, and was under contract for sale. The appraiser made adjustments to the comparables for size and adjustments to comparable sales #2 through #4 for lot size to arrive at adjusted prices ranging from \$173.39 to \$216.46 per square foot of living area, including land. Based these sales the appraiser estimated the subject property had a market value of \$205.00 per square foot of living area, including land, for a total market value of \$1,305,000.

The appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$497,060. The subject's assessment reflects a market value of \$1,491,777 or \$234.22 per square foot of living area, land included, when using the 2012 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

The board of review submitted a narrative concerning the comparable sales contained in the appellant's appraisal as well

discussing the comparable sales selected to support the assessment. The board of review asserted that appraisal comparable sale #2 was a foreclosure/short sale. It also commented that the sales in the appraisal occurred after the January 1, 2012 assessment date.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with part two-story and part one-story dwellings of frame construction that ranged in size from 3,388 to 4,439 square feet of living area. The dwellings were constructed in 1998 and 1999. Each comparable had a basement that had finished living area, central air conditioning, three fireplaces and an attached garage ranging in size from 693 to 1,051 square feet of building area. The comparables sold from August 2009 to January 2012 for prices of \$1,050,000 and \$1,055,000 or from \$237.67 to \$309.92 per square foot of living area, including land.

The board of review requested confirmation of the subject's assessment.

The appellant's counsel submitted a statement in rebuttal noting that board of review sale #3 sold in August 2009, well before the lien date of January 1, 2012. He also noted that board of review sale #2 sold in 2010, well before the lien date, and further argued this dwelling was about one-half the size of the subject dwelling. Counsel further argued that board of review sale #1 was far smaller than the subject dwelling.

Conclusion of Law

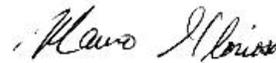
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be appraisal comparable sales #1, #2 and #4. These comparables were most similar to the subject in size. These comparables sold or were listed/under contract proximate in time to the assessment date at issue for prices ranging from \$900,000 to \$1,070,000 or from \$198.13 to \$209.97 per square foot of living

area, including land. The comparable most similar to the subject in size, features and land area was appraisal sale #1 that sold in September 2012 for a price of \$1,070,000 or \$209.97 per square foot of living area, including land. Less weight was given appraisal sale #3 due to the sale date being not proximate in time to the assessment date at issue. After considering these sales, the Board finds the appraised value of \$205.00 per square foot of living area, including land, or \$1,305,000 is supported. Less weight was given the board of review comparables #1 and #2 based on differences from the subject in size. Less weight was also given board of review comparable sale #2 and #3 due to the dates of sale not being proximate in time to the assessment date at issue. The subject's assessment reflects a market value of \$1,491,777, which is above the best evidence of market value in the record. Based on this evidence the Board finds a reduction in the subject's 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.

Chairman



Member

Member



Member

Acting Member



Acting 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 20, 2015



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.