



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

APPELLANT: Jason Cione
DOCKET NO.: 12-03786.001-R-1
PARCEL NO.: 06-25-404-010

The parties of record before the Property Tax Appeal Board are Jason Cione, the appellant, by attorney Richard J. Caldarazzo and Ryan Schaeffges, of Mar Cal Law, P.C. in Chicago; 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: \$45,510
IMPR: \$138,690
TOTAL: \$184,200

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 consists of a one and one-half story dwelling of frame, brick or stone exterior construction with 3,024 square feet of living area. The dwelling was constructed in 1965. Features of the home include a 1,300 square foot basement, central air conditioning, a fireplace and a two car

garage. The property has a 21,978 square foot site and is located in Oak Brook, York Township, DuPage County.

The appellant appeared before the Property Tax Appeal Board through counsel contending overvaluation as the basis of the appeal.¹ In support of this argument the appellant submitted information on three comparable sales located in the same neighborhood as the subject property.² These comparables are described as a one-story or two-story dwellings of brick, masonry or stone exterior construction that ranged in size from 2,121 to 3,749 square feet of living area. The dwellings were constructed in 1963 or 1964. The comparables have basements that range in size from 1,050 to 1,707 square feet, which include finished recreation rooms. Other features include central air conditioning, one to three fireplaces and two-car garages.³ The comparables have sites ranging in size from 21,840 to 23,059 square feet of land area. The comparables sold from December 2011 to February 2012 for prices ranging from \$472,000 to \$570,000 or from \$125.90 to \$255.61 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$173,000.

The appellant's attorney called no witnesses and acknowledged that his predecessor prepared the evidence. The attorney stated that he was familiar with the subject property and reviewed the evidence.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$184,200. The subject's assessment reflects a market value of \$552,821 or \$182.81 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.

Representing the board of review was Chairman Anthony Bonavolonta. Bonavolonta called York Township Deputy Assessor Ron Pajda as a witness.

¹ A consolidated hearing was under Docket Nos. 12-03786.001-R-1 and 13-04227.001-R-1. Individual decisions will be rendered for each parcel with the applicable evidence presented.

² The appellant misidentified the addresses for the comparables. The comparables are located on Sheffield Lane.

³ The appellant's grid analysis did not contain information for the subject or comparables on finished basement area, central air conditioning, fireplaces or garages. This information was obtained from the property record cards submitted by the board of review and the Multiple Listing sheets submitted by the appellant.

Pajda testified that the appellant's property sold in April 2010 for \$590,000 or \$195.11 per square foot of living area, including land. Pajda also testified that appellant's sale #1 sold "as is".

In support of its contention of the correct assessment, Pajda prepared an analysis of six comparable sales on behalf of the board of review. The comparables were located in the same neighborhood as the subject property. Pajda testified that the comparables are improved with one and one-half story, two-story or one-story dwellings of brick and frame or stone exterior construction that ranged in size from 2,657 to 3,688 square feet of living area. The dwellings were constructed from 1965 to 1980. The comparables have basements ranging in size from 986 to 2,657 square feet, with one comparable having 550 square feet of finished area. Other features include central air conditioning, two to four fireplaces and two-car garages. The comparables have sites ranging in size from 21,871 to 27,051 square feet of land area. The comparables sold from March 2011 to August 2012 for prices ranging from \$627,500 to \$887,500 or from \$216.88 to \$334.02 per square foot of living area including land.

Based on this evidence, 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 Board finds the parties submitted nine suggested comparable sales for consideration. The Board gave less weight to comparables #2 and #3 submitted by the appellant and comparable #6 submitted by the board of review. These comparables are one-story dwellings and the subject property is a one and one-half story dwelling. The Board gave less weight to the appellant's comparable #1 which sold "as is" raising questions as to the

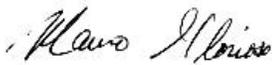
condition of the property at the time of sale. The Board finds the best evidence of market value to be the board of review's comparables #1 through #5. The comparables sold for prices ranging from \$627,500 to \$825,000 or from \$216.88 to \$262.33 per square foot of living area including land. The subject's assessment reflects a market value of \$552,821 or \$182.81 per square foot of living area including land, which is below the range established by the best comparable sales in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction in the subject's assessment is warranted.

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



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: May 22, 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.