



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

APPELLANT: Arthur & Anna Rodolinski
DOCKET NO.: 13-02663.001-R-1
PARCEL NO.: 08-04-301-064

The parties of record before the Property Tax Appeal Board are Arthur & Anna Rodolinski, the appellants, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. 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: \$38,380
IMPR.: \$54,950
TOTAL: \$93,330**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2013 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 brick and frame exterior construction with 2,425 square feet of living area. The dwelling was constructed in 1979. Features of the home include a full partially finished basement, central air conditioning, a fireplace and an attached two-car garage. The

property has an 8,855 square foot site and is located in Lisle, Lisle Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellants submitted an appraisal prepared by real estate appraiser Patrick Noland of TGF Appraisals, Inc. estimating the subject property had a market value of \$310,000 as of March 6, 2013. The stated purpose of the appraisal was for a "purchase transaction" and the appraisal was performed for a lender, United Wholesale Mortgage in Troy, Michigan. The appraiser also reported the subject's short sale with a typical sales contract dated September 1, 2012 for a contract price of \$280,000 with the offer having been accepted on November 14, 2012 as stated in the report. The subject property was on the market through the Multiple Listing Service for a period of 1,284 days with a last asking price of \$248,900 after being reduced from an asking price of \$399,900 on November 7, 2012.

In the addendum discussing neighborhood market conditions, the appraiser reported that 99 current listings are nearly a one year supply; thus, the appraiser opined that there is an oversupply of properties on the market and values are declining.

Under the sales comparison approach, the appraiser used sales of four comparable homes and two listings of a bi-level, a split-level and four "traditional" designed dwellings. The four sales occurred between March and December 2012 for prices ranging from \$225,000 to \$333,000 or from \$132.67 to \$176.33 per square foot of living area, including land. The listings had asking prices of \$330,000 for each property or \$127.41 and \$136.14 per square foot of living area, including land. In comparing the comparable properties to the subject, the appraiser made adjustments for differences which resulted in adjusted sales prices for the comparables ranging from \$264,470 to \$353,980. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$310,000 or \$127.84 per square foot of living area, including land.

As to the purchase of the subject property, the appellants completed Section IV - Recent Sale Data of the appeal petition and reported that the subject property was purchased on April 4, 2013 for \$280,000. The parties to the transaction were not related and the property was marketed by a Realtor through the Multiple Listing Service for a period of 1,170 days. In further support a copy of the Settlement Statement was submitted which reiterated the purchase date and price. As to the final

purchase price, the appellants further argued in a brief that the last asking price of the property was \$259,900 which indicates that market forces were in effect in the course of the sales transaction. A copy of the Multiple Listing Service data sheet was also submitted by the appellants which reiterated the last asking price and the final sale price of the subject.

Based on the purchase price and the appraisal evidence, the appellant requested a reduction in the subject's total assessment to reflect the recent purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$110,460. The subject property's total assessment reflects a market value of \$331,513 or \$136.71 per square foot of living area, including land, based on the 2013 three-year median level of assessments for DuPage County of 33.32%.

In response to the appeal, the board of review submitted documentation prepared by the Lisle Township Assessor's Office. The assessor reported that the subject property was foreclosed which was recorded December 16, 2008.

In support of the subject's estimated market value based on its assessment, the board of review through the township assessor submitted a grid analysis of seven suggested comparable properties, one of which was the same as appraisal sale #3. Each comparable was located in the same neighborhood code assigned by the assessor as the subject property. The homes range in size from 1,959 to 2,677 square feet of living area and were built between 1978 and 1996. The homes feature full or partial basements, two of which have finished areas. Five of the comparables have central air conditioning and each has a fireplace and a garage ranging in size from 400 to 505 square feet of building area. These properties sold between May 2012 and May 2013 for prices ranging from \$333,000 to \$363,500 or from \$135.60 to \$170.20 per square foot of living area, including land.

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

In written rebuttal, the appellants contended the response of the board of review consisted of seven unadjusted raw sales without sufficient analysis as compared to the appellants' appraisal report. The appellants also asserted that the board of review's evidence is biased in that it was not prepared by an

independent objective individual, but instead was prepared to support the board of review's assessment.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value was submitted by the appellants as the April 4, 2013 purchase price of the subject property for \$280,000. The board of review through the township assessor provided a grid analysis of seven comparable sales and reported that the subject property was foreclosed in December 2008.

On this record, the appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 1,170 days. In further support of the transaction the appellants submitted a copy of the Settlement Statement reiterating the sale date and purchase price along with a copy of the Multiple Listing Service data sheet reflecting the original listing date of September 2, 2009 with an asking price of \$259,900.

Furthermore, the Property Tax Appeal Board takes judicial notice of Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of

a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2013.

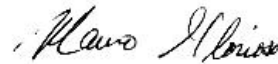
The Board finds the purchase price of \$280,000, which occurred within months of the assessment date at issue, is below the market value reflected by the assessment of \$331,513. Furthermore, the Property Tax Appeal Board finds the board of review did not present any evidence to challenge the arm's length nature of the subject's sale transaction or to refute the contention that the purchase price was reflective of market value after having been on the market for in excess of 1,000 days.

Based on this record, the Board finds the subject property has been shown to be overvalued and a reduction in the subject's assessment commensurate with the appellants' request 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



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.