



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

APPELLANT: Frank & Lydia Spirovski
DOCKET NO.: 13-03880.001-R-1
PARCEL NO.: 09-28-404-019

The parties of record before the Property Tax Appeal Board are Frank and Lydia Spirovski, the appellants, and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$32,680
IMPR.: \$31,830
TOTAL: \$64,510

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 is improved with a one-story single family dwelling of frame construction with 1,574 square feet of living area. The dwelling was constructed in 1960. Features of the property include a one-car garage with 252 square feet of building area. The property has a 9,800 square foot site and is located in Darien, Downers Grove Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on five comparable sales improved with one-story dwellings of frame or brick construction that ranged in size from 1,198 to 1,602 square feet of living area. The dwellings were constructed from 1958 to 1962 with one having an addition in 1973. The comparables had varying degrees of similarities to the subject property. The sales occurred from February 2012 to July 2013 for prices ranging from \$100,000 to \$195,000 or from \$78.95 to \$122.72 per square foot of living area, including land. The appellants requested the subject's assessment be reduced to \$50,162.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$70,220. The subject's assessment reflects a market value of \$210,744 or \$133.89 per square foot of living area, land included, when using the 2013 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one-story dwellings of frame construction that ranged in size from 1,453 to 1,589 square feet of living area. The dwellings were constructed from 1960 to 1963. Each comparable was described as having a garage ranging in size from 252 to 692 square feet of building area. Each comparable had the same assessment neighborhood code as the subject property. Board of review sale #2 was the same comparable as appellants' comparable #5. The sales occurred from January 2011 to December 2012 for prices ranging from \$170,000 to \$218,000 or from \$106.98 to \$150.03 per square foot of living area, including land.

In rebuttal the board of review asserted that none of the appellants' comparable sales were arm's length transactions. The board of review also indicated only two of the appellants' comparables had the same assessment neighborhood code as the subject property.

In rebuttal the appellants asserted that they were not able to locate board of review sale #4 on the MLS at the time of sale and contend this property should not be considered indicative of value due to its lack of market exposure.

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 sales in this record support a reduction in the subject's assessment.

The Board finds the record contains eight comparables sale submitted by the parties to support their respective positions. The Board gives less weight to appellants' comparable #1 due to differences from the subject property in size. The Board gave less weight to board of review sales #3 and #4 due to the fact these properties sold in January 2011 and August 2011, respectively, which are not proximate in time to the assessment date at issue. The five remaining sales had varying degrees of similarity to the subject property and sold from February 2012 to April 2013 for prices ranging from \$105,000 to \$195,000 or from \$78.95 to \$123.70 per square foot of living area, including land. The MLS listing sheet for appellants' comparables #2 describe the property as being "Pre-Foreclosure" and the MLS listing sheet for appellants' comparable #3 described the property as being "REO/Lender Owned, Pre-Foreclosure", which calls into question whether their purchase prices were reflective of fair cash value. The subject's assessment reflects a market value of \$210,744 or \$133.89 per square foot of living area, including land, which is above the range established by the best comparable sales in this 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

Member

DISSENTING: _____

CERTIFICATION

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: June 24, 2016



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.