



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

APPELLANT: Roy Strzalkowski  
DOCKET NO.: 14-00338.001-R-1  
PARCEL NO.: 12-02-06-214-121-0000

The parties of record before the Property Tax Appeal Board are Roy Strzalkowski, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. in Chicago, and the Will 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 **Will County Board of Review** is warranted. The correct assessed valuation of the property is:

**LAND:** \$9,200  
**IMPR.:** \$39,133  
**TOTAL:** \$48,333

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 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 townhome with approximately 1,302 square feet of living area. The townhouse was constructed in 1994. Features of the townhome include a concrete slab foundation, central air conditioning, a fireplace and an attached one-car garage. The property has a 2,319 square foot site and is located in Naperville, DuPage Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on May 30, 2014 for a price of \$145,000. In further support, the appellant through counsel completed Section IV – Recent Sale Data reporting that the property was purchased from Shaanti, LLC, the parties to the transaction were not related and that a Realtor from Re/Max Action was involved in the sale with the property having been advertised with the Re/Max website. A copy of the Settlement

Statement and the Trulia data sheets were also provided as Exhibits A and AA1. As part of a brief, counsel noted the payment of brokers' fees is set forth on the Settlement Statement. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

In the alternative and in further support of the overvaluation argument, the appellant submitted a copy of a purchase transaction appraisal estimating the subject property had a market value of \$150,000 as of May 13, 2014.

As part of the appraisal report, the appraiser reported that the subject property had been on the market for 346 days having been listed on multiple occasions with an original asking price of \$184,500 on May 9, 2013. The appraiser also noted that the listing agent reported the seller is motivated and is selling the property for under current market value. (See Addendum)

Based upon this appraisal evidence, in the alternative to the sale price, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$59,800. The subject's assessment reflects a market value of \$179,958 or \$138.22 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Will County of 33.23% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data prepared by the DuPage Township Assessor's Office. The assessor contends that the sale of the subject property (Exhibit A) is marked as a valid sale, but with the sale date being after January 1, 2014, the "sale should not be considered until 2015." As to the appellant's appraisal report, the assessor noted that the sale comparables were located in DuPage County, not Will County and comparable #6 was a listing, not a sold property.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales. The comparables consist of two-story dwellings that were built in 1989 or 1993. The homes range in size from 1,360 to 1,600 square feet of living area with two-car garages. No other details of the amenities of the properties were provided in the grid analysis. The properties sold between December 2012 and October 2013 for prices ranging from \$188,500 to \$212,500 or from \$128.75 to \$146.01 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.

In written rebuttal, counsel for the appellant argued that the board of review evidence consists of raw unadjusted sale prices which does not overcome the appraisal report presented by the appellant. Moreover, the comparable sales are not the same model as the subject townhome. As to the date of the sale and the valuation date of the appraisal, counsel argued the data is within five months of the assessment date at issue and are the best indicators of the subject's market value.

### **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 the purchase of the subject property in May, 2014 for a price of \$145,000 which is further supported by the appraisal of the subject property with an estimated market value of \$150,000 as of May 13, 2014. On this record, the appellant provided evidence demonstrating the sale had the elements of an arm's length transaction and the board of review in its submission agreed that the sale was valid and that the subject's assessment should be modified as of tax year 2015 since the sale occurred after January 1, 2014.

In addition, the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration as its Exhibit A which indicated that the property was advertised prior to the sale transaction and it reiterated the date of sale and sale price. In addition, the appraisal report indicated that the subject property had been on the market for 346 days. The Property Tax Appeal Board finds the purchase price of \$145,000 is below the market value reflected by the assessment of \$179,958.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). Given the foregoing case law, the Board has given little weight to the comparable sales submitted by the board of review as these comparables were different models and do not overcome the evidence related to the recent sale of the subject property.

The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Instead, the board of review acknowledged this was a valid sale price, but merely argued it should not be applied until tax year 2015. Based on this record the Board finds the subject property is overvalued based on its assessment and a reduction in the subject's assessment commensurate with the appellant's 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

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: September 23, 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.