



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

APPELLANT: Natan Zadik
DOCKET NO.: 14-03964.001-R-1
PARCEL NO.: 03-33-207-011

The parties of record before the Property Tax Appeal Board are Natan Zadik, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago, 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: \$25,990
IMPR.: \$31,340
TOTAL: \$57,330

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2013 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 is improved with a split-level single family dwelling of frame and brick construction with 1,272 square feet of living area. The dwelling was constructed in 1963. Features of the property include a lower level with 741 square feet, central air conditioning and a detached garage with 528 square feet of building area. The property has an 8,680 square foot site and is located in Addison, Addison Township, DuPage County.

The appellant's appeal is based on a contention of law citing the provision of a "direct appeal" pursuant to Section 16-185 of the Property Tax Code (supra). In support of the appeal, the appellant submitted documentary evidence disclosing the subject property was purchased on September 16, 2013 for a price of \$150,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$62,540. The subject's assessment reflects a market value of \$187,639 or \$147.51 per square foot of living area, land included, when using the 2014 three year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review asserted that the subject has been rehabbed since the date of purchase and is "no longer in same condition." The assessing officials further asserted that the subject is now a rental property with before and after pictures provided.

In support of its contention of the correct assessment the board of review submitted information provided by the township assessor that included seven comparable sales. The comparable sales were improved with a raised ranch style dwelling and six split-level dwellings of frame or frame and brick construction that ranged in size from 1,065 to 1,180 square feet of living area. The comparables were constructed from 1959 to 1964. Each comparable had a lower level ranging in size from 600 to 1,166 square feet that were partially finished, three comparables had central air conditioning and each had a detached garage ranging in size from 360 to 528 square feet. The comparables sold from April 2013 to June 2014 for prices ranging from \$155,000 to \$240,000 or from \$145.54 to \$203.39 per square foot of above grade living area, including land.

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

Conclusion of Law

The appellant based this appeal upon a contention of law. Section 10-15 of the Illinois Administrative Procedure Act (5-ILCS 100/10-15) provides:

Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence.

The rules of the Property Tax Appeal Board are silent with respect to the burden of proof associated with an argument founded on a contention of law. See 86 Ill.Admin.Code §1910.63.

In support of this appeal, the appellant provided documentation of the recent sale of the subject property along with a copy of the decision of the Property Tax Appeal Board in Docket No. 13-03291.001-R-1 which reduced the assessment of the subject property based on the September 2013 purchase price. The Board takes judicial notice of its prior decision not only for purposes of jurisdiction, but also factually concerning both evidence of the sale of the subject presented by the appellant and the renovation of the subject with permit information presented by the assessing officials. (See 86 Ill.Admin.Code §1910.90(i)).

Given the evidentiary submission by the appellant concerning the recent purchase price, the appellant has contended that 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 parties submitted evidence concerning the subject's September 2013 purchase price for \$150,000, seven suggested comparable sales and photographic evidence presented by the board of review that the subject property was rehabbed subsequent to the date of purchase. The appellant did not rebut the assertions made by the assessing officials concerning rehabilitation of the subject dwelling after the sale.

Moreover, in Docket No. 13-03291.001-R-1, the Property Tax Appeal Board found that the subject property was purchased in September 2013 for \$150,000, the sale had the elements of an arm's length transaction in that 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 the property had been on the market for 15 days. Additionally, in the 2013 tax year appeal, the Board found that the evidence submitted by the assessing officials included a permit for residential alterations to the subject property was obtained in the amount of \$22,000.

The Board has given reduced weight to board of review comparable #7 as this dwelling differs in design when compared to the subject. The Board finds the best evidence of market value to be consideration of the September 2013 the purchase price of the subject property for \$150,000 along with consideration of the permit for renovations obtained subsequent to purchase with a value of \$22,000 along with board of review comparable sales #1 through #6 which are each smaller than the subject dwelling. These comparables were similar to the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$155,000 to \$189,500 or from \$145.54 to \$177.93 per square foot of living area, including land. The subject's assessment reflects a market value of \$187,639 or \$147.51 per square foot of living area, including land, which appears to be excessive when giving due consideration to the subject's purchase price, the value of the permit for renovation and the subject's larger dwelling size when compared to each of the best comparable sales. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases.

Based on this record the Board finds the subject's assessment is not reflective of market value and 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



Acting 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: _____

April 21, 2017



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.