



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

APPELLANT: Vasyl Makoviychuk
DOCKET NO.: 15-00681.001-R-1
PARCEL NO.: 12-02-18-303-010-0000

The parties of record before the Property Tax Appeal Board are Vasyl Makoviychuk, the appellant, by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; and the Will County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** 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: \$21,600
IMPR.: \$60,200
TOTAL: \$81,800

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 2015 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 2-story "Wilshire" model dwelling of brick and frame construction containing 2,542 square feet of living area.¹ The dwelling was constructed in 2005. Features include a full unfinished basement, central air conditioning, a fireplace and a 2-car garage. The property has a 10,603 square foot site and is located in Bolingbrook, DuPage Township, Will County.

¹ The appellant, in Section III of the appeal, reported the subject's dwelling size as 1,540 square feet of living area but did not submit any evidence of dwelling size. The appraiser reports the subject's dwelling size as 2,473 square feet of living area. The board of review claims the subject's dwelling size is 2,542 square feet of living area. Both parties submitted schematic drawings of the subject. The Board finds the board of review submitted the best evidence of dwelling size and will use a dwelling size of 2,542 square feet of living area for this analysis.

The appellant's appeal is based on overvaluation. In support of this argument the appellant partially completed Section IV - Recent Sale Data of the appeal and submitted a Settlement Statement disclosing the subject property was purchased on June 19, 2013 for a price of \$212,000 or \$83.40 per square foot of living area, including land. The subject was purchased through a realtor and the sale was not between family or related corporations.

The appellant also submitted an appraisal prepared by Bridget M. Dakota estimating the subject property had a market value of \$215,000 as of May 23, 2013. The appraiser used five comparables located from .07 to .40 of a mile from the subject. The comparables had features with varying degrees of similarity to the subject. Three of the comparables sold from December 2012 through May 2013 for prices ranging from \$210,000 to \$250,000 or from \$81.92 to \$91.30 per square foot of living area including land. Two were active listings with asking prices of \$279,900 and \$289,000 or \$113.32 and \$109.18 per square foot of living area including land, respectively. The appraiser made adjustments to the comparables to account for differences with the subject. After adjustments, the comparables' market values ranged from \$211,555 to \$271,350.

Based on this evidence, the appellant requested the total assessment be reduced to \$70,660 or a market value of approximately \$212,000 or \$83.40 per square foot of living area including land at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$81,800. The subject's assessment reflects a market value of \$246,015 or \$96.78 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for Will County of 33.25% as determined by the Illinois Department of Revenue.

With respect to the appellant's evidence, the board of review submitted a memo from the township assessor stating, "The subject received a PTAB reduction to the invalid sale price in 2014"² and the "subject was raised back to a full assessment to be equitable." The assessor also disclosed two comparables in the appraisal were different models than the subject and were in different subdivisions.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. They are described as 2-story "Wilshire" model dwellings of frame or brick and frame construction each containing 2,470 square feet of living area and built in 2003. They feature 2-car garages. Four had fireplaces. No information was provided regarding central air conditioning. The comparables sold between June 2013 and September 2014 for prices ranging from \$250,000 to \$305,000 or from \$101.21 to \$123.48 per square foot of living area land included.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

² The Board notes the 2014 PTAB decision was based on a stipulated agreement between the board of review and the appellant.

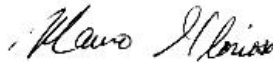
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 appellant provided evidence that the subject property sold on June 19, 2013 in an arm's length transaction for a price of \$212,000, although relevant data in Section IV of the appeal was omitted in the appellant's submission. The Board finds the sale is somewhat dated and calls into question whether the subject's purchase price is indicative of fair cash value.

The appellant also submitted an appraisal estimating the property had a market value of \$215,000 as of May 23, 2013. The Board gave little weight to the final opinion of value found in the appraisal report which is dated and utilized sales from December 2012 to May 2013 without adjustments which are less indicative of market value as of the subject's assessment date of January 1, 2015.

The Board finds the best evidence of market value to be comparables #2 and #3 submitted by the board of review. These comparables are located in the same subdivision as the subject and are similar to the subject in age, dwelling size, site size, exterior construction, style and features. They sold in September and January 2014 for \$305,000 and \$269,000 or for \$123.48 and \$108.91 per square foot of living area including land, respectively. The subject's assessment reflects a market value of \$246,015 or \$96.78 per square foot of living area, land included, which is below the most similar comparables in this record on both a total market value basis as well as a per square foot basis. Based on this evidence, the Board finds no reduction in the subject's assessment based on overvaluation 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



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: March 20, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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