



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

APPELLANT: Srdjan Kundacina
DOCKET NO.: 15-06207.001-R-1
PARCEL NO.: 05-10-103-008

The parties of record before the Property Tax Appeal Board are Srdjan Kundacina, the appellant, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher 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: \$19,610
IMPR.: \$73,360
TOTAL: \$92,970

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 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 two-story dwelling of frame exterior construction that has 2,328 square feet of living area. The dwelling was built in 1939. Features include an unfinished basement, a fireplace and a 1,320 square foot carport. The subject property is located in Milton Township, DuPage County, Illinois.

The appellant contends assessment inequity as the basis of the appeal. The subject's land assessment was not contested. In support of the inequity claim, the appellant submitted limited descriptive information for three assessment comparables. Two comparable are located along the subject's street. The comparables had varying degrees of similarity when compared to the subject. The comparables have improvement assessments ranging from \$72,840 to \$116,210 or from \$28.11 to \$33.23 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$100,460. The subject property has an improvement assessment of \$80,850 or \$34.73 per square foot of living area.

In support of the subject's assessment, the board of review submitted four assessment comparables located within the same neighborhood code and street as the subject. The comparables had varying degrees of similarity when compared to the subject. The comparables have improvement assessments ranging from \$45,830 to \$276,100 or from \$39.37 to \$60.61 per square foot of living area.

The board of review argued the appellant's comparables are located in different neighborhood codes, although two of the three comparables are located in close proximity along the same street as the subject. The board of review acknowledged it used some dissimilar 1.5 story dwelling as comparables "just to show the few homes we have in this neighborhood." Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayers argued assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants failed to meet this burden of proof.

The record contains seven assessment comparables for the Board's consideration. The Board finds neither of the parties' comparables are particularly similar to the subject. For example, six of the seven comparables are newer in age than the subject, but the three comparable submitted by the appellant are closer in age than the subject. Six of the seven comparables have central air conditioning, superior to the subject. Appellant's comparables #1 and #3 and board of review comparable #1 are considerably larger in dwelling size when compared to the subject. Board of review comparable #3 is smaller in dwelling size when compared to the subject. Two of the four comparables submitted by the board of review are dissimilar 1.5-story dwellings. Both parties comparables have improvement assessments ranging from \$72,840 to \$276,100 or from \$28.11 to \$60.61 per square foot of living area. The subject property has an improvement assessment of \$80,850 or \$34.73 per square foot of living area. After considering the downward adjustments to the comparables for differences when compared to the subject, such as age, dwelling size and features, the Board finds the subject's improvement assessment is excessive. Therefore, a reduction in the subject's assessment 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



Acting 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: September 22, 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 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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