



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

APPELLANT: Francisco & Dorota Barreto
DOCKET NO.: 15-06684.001-R-1
PARCEL NO.: 05-09-214-035

The parties of record before the Property Tax Appeal Board are Francisco & Dorota Barreto, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. 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: \$38,320
IMPR.: \$221,420
TOTAL: \$259,740

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 is improved with a two-story single-family dwelling of brick and masonry construction with 4,028 square feet of living area.¹ The dwelling was constructed in 2009 and is approximately 6 years old. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a three-car attached garage with 815 square feet of building area. The property has a 16,831-square foot site and is in Wheaton, Milton Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$740,000 as of January 1, 2015. The appraisal was prepared by Garry Nusinow, a certified general real

¹ The Board finds the best evidence of size to be contained in the appellants' appraisal, which has a sketch of the dwelling, with measurements and calculations.

estate appraiser. The purpose of the appraisal was to develop an opinion of market value. The property rights appraised were the fee simple estate. The intended use was to provide a basis to appeal the assessment of the property.

The appraiser described the subject's construction as being above average for the neighborhood. The appellants' appraiser noted that physical depreciation was minimal due to age, there was no apparent functional obsolescence but external obsolescence was noted due to the subject's age, size and condition based on its subdivision as it is the largest and newest detached single-family dwelling.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using six comparable sales improved with two-story dwellings that ranged in size from 3,359 to 3,928 square feet of living area. The dwellings ranged in age from one to seven years old. Each comparable has a basement with one being finished with a recreation room, theater, bedroom and bathroom. Each comparable has central air conditioning, one or three fireplaces, and a two-car or a three-car garage. The comparables have sites ranging in size from 9,781 to 13,169 square feet of land area and were located in Wheaton from .13 of a mile to .51 of a mile from the subject property. The sales occurred from September 2013 to February 2015 for prices ranging from \$605,000 to \$785,000 or from \$179.21 to \$203.07 per square foot of living area, including land. The appraiser adjusted the comparables for differences from the subject to arrive at adjusted prices ranging from \$666,000 to \$783,000. Based on this analysis the appraiser arrived at an estimated market value of \$740,000 as of January 1, 2015. Based on this evidence the appellant requested the subject's assessment be reduced to \$246,667 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$267,660. The subject's assessment reflects a market value of \$803,783 or \$199.55 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for DuPage County of 33.30% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales improved with two-story dwellings of frame or frame and masonry construction that range in size from 3,353 to 4,229 square feet of living area. The dwellings were constructed from 2006 to 2015. Each comparable has a basement with three having finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 528 to 838 square feet of building area. These properties have sites ranging in size from 9,781 to 24,546 square feet of land area. Each comparable is located in Wheaton with five having the same assessment neighborhood code as the subject property. The sales occurred from January 2012 to August 2014 for prices ranging from \$650,000 to \$841,000 or from \$183.72 to 234.67 per square foot of living area, including land. Board of review sale #3 was the same as appellants' appraiser's sale #1. The board of review requested confirmation of the subject's assessment.

The appellants' counsel submitted rebuttal comments critiquing the evidence provided by the board of review noting it was not an appraisal but unadjusted sales.

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 evidence in the record supports a reduction in the subject's assessment.

The appellants provided an appraisal estimating the subject property had a market value of \$740,000 or \$183.71 per square foot of living area, including land. The Board finds this value conclusion is not supported when considering the best comparable sales in the record. Both the appellants' appraiser and the board of review provided a common comparable (appraisal comparable #1 and board of review comparable #3) that was similar to the subject property in style, construction, size, age and features. This property sold in September 2013 for a price of \$780,000 or \$203.07 per square foot of living area, including land. Appellants' appraisal comparable #3 was also similar to the subject property in style, construction, size, age and features. This property sold in February 2015 for a price of \$785,000 or \$199.85 per square foot of living area, including land. Additionally, board of review comparable sale #6 was similar to the subject property in style, construction, size, age and features. This property sold in June 2014 for a price of \$740,000 or \$214.99 per square foot of living area, including land. The Board finds these comparables were the best in the record. These three sales have unit prices ranging from \$199.85 to \$214.99 per square foot of living area, which demonstrate the appraiser's conclusion of value of \$183.71 per square foot of living area is not credible. The common comparable submitted by the parties had an adjusted price, according to the appraiser, of \$783,000. Appellants' appraisal comparable sale #3 had an adjusted price of \$779,000. Considering the three best sales in the record, and the adjustments made by the appellants' appraiser, the Board finds the subject property had a market value of \$780,000 as of the assessment date at issue. Less weight was give appraisal comparable sales #2, #4, #5 and #6 as well as board of review sales #4 and #5 as these were new dwellings at the time of sale. The Board gave less weight to board of review sales #1 and #2 as these properties did not sell proximate in time to the assessment date. 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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: May 15, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Francisco & Dorota Barreto, by attorney:
Scott Shudnow
Shudnow & Shudnow, Ltd.
77 West Washington Street
Suite 1620
Chicago, IL 60602

COUNTY

DuPage County Board of Review
DuPage Center
421 N. County Farm Road
Wheaton, IL 60187