



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

APPELLANT: Oscar Szczerbinski  
DOCKET NO.: 17-05450.001-R-1  
PARCEL NO.: 06-04-312-002

The parties of record before the Property Tax Appeal Board are Oscar Szczerbinski, the appellant, by attorney George N. Reveliotis of Reveliotis Law, P.C., in Park Ridge; and the DuPage 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 **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$11,390  
**IMPR.:** \$66,110  
**TOTAL:** \$77,500

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant 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 2017 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 one-story, four-unit multi-family dwelling of brick exterior construction that contains 2,763 square feet of living area. The dwelling was constructed in 1964. The property has a 7,500 square foot site. The subject property is located in York Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant indicated the subject property sold in July 2015 for a price of \$173,775. The appellant completed Section IV–Recent Sale Data of the appeal petition reporting that the subject property was purchased in settlement of foreclosure from Nationstar Mortgage LLC; the parties to the transaction were not related; and the property was advertised on the open market for 54 days through a realtor. The Multiple Listing Sheet submitted by the appellant shows the subject property sold in June 2015 in a cash transaction as a result of foreclosure. A copy of the

Settlement Statement that was submitted reflects the purchase price of \$173,775 in June 2015. 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 \$77,500. The subject's assessment reflects a market value of \$232,523 or \$84.16 per square foot of living area including land or \$58,131 per apartment unit including land when applying the 2017 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 appellant's evidence, the board of review argued that purchase of the subject was an option to purchase at below market value. The board of review submitted a copy of the Real Estate Transfer Declaration (PTAX-203) associated with the sale confirming the buyer was exercising an option to purchase the subject property, which was not disclosed by the appellant.

In support of its contention of the correct assessment, the board of review submitted information for three comparables located in close proximity along the same street as the subject. The comparables consists of a one-story, four-unit multi-family dwellings of brick exterior construction that contains 2,763 square feet of living area. The dwellings were constructed in 1964. The comparables have sites that range in size from 7,500 to 10,948 square feet of land area. The comparables sold from November 2015 to June 2017 for prices ranging from \$265,000 to \$349,900 or from \$95.91 to \$126.64 per square foot of living area including land or from \$66,250 to \$87,475 per apartment unit including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gave little weight to the subject's 2015 sale of \$173,775. The Board finds the fact that the buyer exercised an option to purchase the subject property calls into question the arms-length nature of the transaction and whether the purchase price was reflective of fair cash value. In addition, the subject's sale occurred approximately 18 months prior to the January 1, 2017 assessment date, which is somewhat dated and further detracts from the weight of the evidence. Similarly, the Board gave less to comparable sale #1 submitted by the board of review due to its November 2015 sale date, which occurred less proximate in time to the subject's assessments date as compared to the two remaining comparable sales in the record.

The Board finds the most credible evidence of market value contained in this record are board of review comparables #2 and #3. These two comparables are similar if not identical to the subject property in location, dwelling size, number of apartment units, design, age and features. These properties sold more proximate in time to the subject's assessment date in April 2016 and June

2017 for prices of \$269,000 and \$349,900 or \$97.36 and \$126.64 per square foot of living area including land or \$67,250 and \$87,475 per apartment unit including land. The subject's assessment reflects a market value of \$232,523 or \$84.16 per square foot of living area including land or \$58,131 per apartment unit including land, which is considerably less than the two most similar and nearly identical comparables contained in this record. After considering any necessary adjustments to the comparables for any differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is well supported. The Board finds the most credible market value evidence suggests the subject's 2015 sale was not an arm's-length transaction that was reflective of market value. Based on this analysis, the Board finds no 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(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: September 15, 2020



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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