



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

APPELLANT: Robert Petska
DOCKET NO.: 19-03430.001-R-1
PARCEL NO.: 03-36-129-021

The parties of record before the Property Tax Appeal Board are Robert Petska, the appellant, by attorney Gregory P. Diamantopoulos, of Verros Berkshire, PC 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 **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: \$ 40,870
IMPR.: \$143,960
TOTAL: \$184,830

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 2019 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 with approximately 2,852 square feet of living area.¹ The dwelling was constructed in 1996 and is 23 years old. Features of the home include a full basement that is 75% finished, central air conditioning, a fireplace and a built-in two-car garage containing 400 square feet of building area. The property has a 7,800 square foot site and is located in Elmhurst, Addison Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant marked the sole basis of appeal as "recent sale" in Section 2d of the Residential Appeal petition. In this regard, the appellant completed Section IV – Recent Sale Data reporting that the subject

¹ While the parties disagree on the subject's dwelling size, the Board finds that board of review submission of the property record card with a schematic drawing provides the best evidence of dwelling size in the record.

property was purchased on May 12, 2017 for a price of \$530,000. The appellant reported the property was purchased from Anthony Daniel and Anthony Parrish, the parties to the transaction were not related and the property was sold through a realtor who advertised the property with the Multiple Listing Service (MLS) for a period from January 23, 2017 to May 12, 2017. In further support, the appellant provided a copy of the recorded Warranty Deed, a copy of the Settlement Statement reiterating the closing date and purchase price along with depicting the distribution of commissions to two realty entities and a copy of the real estate contract reiterating the purchase price.

In addition, the appellant's submission included a copy of an appraisal of the subject property prepared in relation to the purchase transaction using fee simple property rights prepared by Paul J. Piekos, a Certified Residential Real Estate Appraiser and estimating the subject property had a market value of \$530,000 as of April 5, 2017. Piekos reported the subject property had been on the market for 69 days and the transaction appeared to be market driven with no seller concessions involved. The appraiser reported a dwelling size of 2,535 square feet of living area with support from a schematic drawing contained in the appraisal.

In estimating the market value of the subject property, the Piekos developed the sales comparison approach to value using four sales and two active listings improved with two-story dwellings that range in size from 2,327 to 3,446 square feet of living area. The dwellings were 13 to 29 years old. Each home has a basement, five of which have finished areas. Each dwelling has central air conditioning, a fireplace and a two-car or a three-car garage. Comparable #2 has a pool. The comparables have sites ranging in size from 7,074 to 9,000 square feet of land area and are located within 1.72-miles of the subject property. The sales for comparables #1 through #4 occurred from July 2016 to March 2017 and the comparables presented sales or asking prices ranging from \$512,000 to \$619,250 or from \$177.71 to \$220.03 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 \$516,760 to \$552,286 and concluded the subject property had an estimated market value of \$530,000 or \$209.07 per square foot of living area, including land, based upon a reported dwelling size of 2,535 square feet.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$184,830. The subject's assessment reflects a market value of \$560,261 or \$196.44 per square foot of living area, land included, when using the 2019 three year average median level of assessment for DuPage County of 32.99% as determined by the Illinois Department of Revenue.

The board of review argued that the appellant seeks to have the 2017 purchase price applied to the 2019 assessment of this property which was a revaluation year. Moreover, appraisal sales #2 and #3 were properties located outside the subject's neighborhood.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on five comparable sales, where board of review comparable #5 was the same property as appraisal sale #2. The parcels range in size from 7,740 to 8,777 square

feet of land area which are improved with two-story dwellings of frame or brick and frame exterior construction. The homes range in age from 17 to 71 years old and range in size from 1,904 to 2,891 square feet of living area. Four comparables have unfinished basements. Each dwelling has central air conditioning, four comparables each have a fireplace and each property has a garage ranging in size from 410 to 649 square feet of building area. The comparables sold from June 2016 to November 2018 for prices ranging from \$395,000 to \$605,000 or from \$206.46 to \$215.06 per square foot of living area, including land.

Based on this evidence and argument, 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 appellant submitted evidence of the subject's 2017 purchase price for \$530,000 along with an appraisal related to the transaction that opined a market value reflective of the purchase price and the board of review submitted five comparable sales, one of which was set forth in the appellant's appraisal, to support their respective positions before the Property Tax Appeal Board.

The Board has given reduced weight to the valuation conclusion in the appellant's appraisal due to the erroneous dwelling size set forth by Piekos in the report, however, the board will analyze the sales and listings data in the appraisal as appropriate. The Board has given reduced weight to appraisal sale #1 and appraisal listing #6 due to differences in dwelling size when compared to the subject dwelling. The Board has given reduced weight to board of review sales #2 and #4 due to substantially older ages and/or differences in foundation type when compared to the subject dwelling.

In summary, the Board will thoroughly analyze the best market value evidence in the record consisting of the subject's 2017 purchase, six comparable sales and one listing. The Board finds that none of these remaining comparable sales and listings, including the 2017 purchase price of the subject, are particularly pertinent to the valuation date at issue of January 1, 2019. Despite the lack of recent comparable sales data in the record, the Board shall make a determination of the correct assessment given the evidence presented.

The unrefuted arm's length purchase of the subject property in May 2017 depicts a price of \$530,000 or \$185.83 per square foot of living area, including land. Appraisal sales #2/board of review sale #5, #3, #4 and listing #5 present prices ranging from \$512,000 to \$579,000 or from \$177.71 to \$211.01 per square foot of living area, including land, and board of review comparable sales #1 and #3 present prices of \$605,000 and \$460,000 or \$215.06 and \$206.46 per square foot of living area, including land, respectively. Given the range of sales and listing prices of the most similar comparables in the record and despite the dated nature of the May

2017 purchase price of the subject property, the record supports the subject's estimated market value as reflected by its assessment of \$560,261 or \$196.44 per square foot of living area, land included, which falls within the range of the best market value evidence on this limited record. Based on this record, the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not 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: January 18, 2022



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

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