



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

APPELLANT: Marian Bartkowicz
DOCKET NO.: 19-05681.001-R-1
PARCEL NO.: 03-27-121-008

The parties of record before the Property Tax Appeal Board are Marian Bartkowicz, 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: \$41,750
IMPR.: \$90,737
TOTAL: \$132,487

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 brick and frame construction with 3,086 square feet of living area.¹ The dwelling is 28 years old. Features of the home include an 861 square foot basement that is 80% finished, central air conditioning, a fireplace and a 3-car garage. The property has an 8,875 square foot site and is located in Addison, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$397,500 as of January 1, 2019. The appellant's appraiser inspected the interior and exterior of the subject property on November 30, 2019 and observed that the subject was in average condition with minimal modernization.

¹ The Board finds the best evidence of the subject's size is the detailed sketch within the appellant's appraisal.

The appellant's appraisal was completed using the sales comparison approach to value property in estimating a market value for the subject property. The appellant's appraiser selected five comparable properties that are located from .10 to .92 of a mile from the subject property. The comparables have sites ranging in size from 7,772 to 33,280 square feet of land area that are improved with two-story dwellings that range in size from 2,605 to 3,396 square feet of living area. The homes range in age from 12 to 30 years old and have other features with varying degrees of similarity to the subject. The comparables sold from February 2017 to October 2018 for prices ranging from \$354,500 to \$455,000 or from \$116.50 to \$147.44 per square foot of living area, including land. After adjustments, the comparables had adjusted sale prices ranging from \$355,000 to \$437,000 or from \$116.66 to \$157.20 per square foot of living area, including land. The appraiser arrived at an estimated market value of \$397,500 or \$128.81 per square foot of living area, including land.

Based on this evidence the appellant requested that the subject's assessment be reduced to \$132,487.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$146,170. The subject's assessment reflects a market value of \$443,074 or \$143.58 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.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales that are located within the same neighborhood code as the subject. The comparables have sites ranging in size from 8,645 to 22,500 square feet of land area that are improved with dwellings that range in size from 2,742 to 3,733 square feet of living area. The homes were built between 1959 and 2005. The comparables have other features with varying degrees of similarity to the subject. The comparables sold from September 2016 to August 2018 for prices ranging from \$435,000 to \$540,000 or from \$143.33 to \$186.27 per square foot of living area, including land.

The board of review's sales grid noted that the appellant's appraisal sale #1 was a short sale and appraisal comparable #5 is located outside of the subject's neighborhood code. The remaining sales used in the appraisal support the subject's estimated market value as reflected by its assessment.

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

The appellant's counsel submitted rebuttal critiquing the board of review's submission and included Multiple Listing Service (MLS) data, in support of the appellant's contention that the board of review's comparables are superior to the subject. The appellant's counsel argued each sale is superior to the subject but the board of review made no adjustments to account for this fact. Counsel asserted the board of review comparable #1 was a "Recent Rehab" as per the MLS listing, which was provided by the appellant. The appellant's counsel stated that board of review comparable #2 was built in 2005, not 1959 as stated in the board of review's sales grid analysis.

Counsel argued that board of review sale #3 is a superior home with vaulted ceilings. Counsel asserted that board of review sale #4 was not listed on the MLS at the time of the 2018 sale. The appellant's counsel argued that board of review sale #5 has 5 full bathrooms while the subject only has 3 bathrooms.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant estimating the subject property had a market value of \$397,500 as of January 1, 2019. The subject's assessment reflects a market value of \$443,074 or \$143.58 per square foot of living area, including land, which is above the appraised value. The appellant's appraiser made reasonable adjustments to the comparable sales to account for their differences from the subject property. The Board gave less weight to the board of review's unadjusted sales grid, as this evidence does not overcome the weight of the appellant's appraisal evidence. In reviewing the MLS sheets and rebuttal comments presented by the appellant's counsel, the Board finds the sales submitted by the board of review are superior to the subject property. Due to their superiority, the Board finds that downward adjustments would be justified and would be supportive of the appraised value after adjustments. Based on this record the Board finds a reduction to the subject's assessment commensurate with the appellant's request is appropriate.

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:

February 15, 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

AGENCY

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

APPELLANT

Marian Bartkowicz, 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