



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

APPELLANT: John Krezel
DOCKET NO.: 19-08417.001-R-1
PARCEL NO.: 08-35-400-007

The parties of record before the Property Tax Appeal Board are John Krezel, the appellant, by attorney Greg Earl in Geneva, 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: \$68,090
IMPR.: \$48,730
TOTAL: \$116,820

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 is improved with a split-level style single-family dwelling of frame and brick exterior construction with 2,350 square feet of living area.¹ The dwelling was built in 1969 and is approximately 50 years old. Features of the home include a partial basement with finished area, central air conditioning, a fireplace and a two-car garage located in the lower level. The property has a 58,998 square foot or 1.35-acre site and is located in Naperville, Lisle 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 \$294,000 as of January 1, 2019. The appraisal was prepared by James Swerdon, a certified residential real estate appraiser. In estimating the market value of the subject property the appraiser developed

¹ The Board finds the best evidence of the dwelling size to be the appellant's appraisal which contains a sketch of the dwelling with dimensions and calculations of the dwelling size.

the sales comparison approach to value using three comparable sales described as being improved with a split-level, contemporary, or custom dwelling ranging in size from 2,064 to 2,676 square feet of living area. Photographs of the homes as well as descriptions of the comparables provided by the board of review depict and describe the homes as being part two-story and part one-story dwellings. The comparables range in age from 31 to 91 years old. Two comparables have basements with finished area. Two comparables have central air conditioning, one comparable has a fireplace, and each comparable has a two-car or a three-car garage. Comparable #1 has a 1.07-acre site, comparable #2 has a 1.85-acre site, and comparable #3 has a 21,780 square foot site. The comparables are located from approximately .51 to 1.12 miles from the subject property in either Naperville or Bolingbrook. The sales occurred from October 2016 to February 2018 for prices ranging from \$230,000 to \$359,000 or from \$85.95 to \$173.93 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 \$289,999 to \$299,580 and arrived at an estimated value of \$294,000 as of January 1, 2019.

The appellant requested the subject's total assessment be reduced to \$98,000 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 \$116,820. The subject's assessment reflects a market value of \$354,107 or \$150.68 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 three comparable sales with comparable #1 being the same property as appellant's appraisal comparable #1. The comparables are improved with part two-story and part one-story or split-level style dwellings of frame or frame and brick construction ranging in size from 2,060 to 2,420 square feet of living area. The homes were built in 1956 or 1968. Each comparable has a basement with finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 176 to 678 square feet of building area. The comparables have sites ranging in size from 14,500 to 46,590 square feet of land area and are located from 1.11 to 3.19 miles from the subject property. The sales occurred from October 2016 to August 2019 for prices ranging from \$359,000 to \$392,500 or from \$159.09 to \$190.53 per square foot of living area, including land.

The board of review also submitted copies of two PTAX-203 Illinois Real Estate Transfer Declarations associated with the sale of the subject property in December 2018 and again in May 2019. The first sale was a court ordered sale for a price of \$250,000. The transfer declaration indicated the property was not advertised for sale, the seller was identified as the DuPage County Sheriff's Office and the property transferred by a sheriff's deed. The second sale was for a price of \$420,000. The transfer declaration indicated the property had been advertised for sale, the property transferred by warranty deed, and identified the seller as Wynot Solutions, Inc. and the buyer as John James Krezel, Jr.

The board of review also provided a grid analysis of the sales used in the appellant's appraisal and a map depicting the location of five of the six comparable sales contained in the record.

The board of review requested the assessment of the subject property be confirmed.

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.

As an initial matter, the record contains evidence provided by the board of review that the subject property sold in December 2018 and again in May 2019. The Board gives little weight to the initially sale as the transaction was a court ordered sale that was not advertised, sold by the DuPage County Sheriff's Office, and transferred via a sheriff's deed. The Board finds this sale does not have the elements of an arm's length transaction due to the compulsory nature of the property transfer. Therefore, the Board finds the purchase price associated with this transaction is not indicative of fair cash value for assessment purposes. The Board finds the second sale of the property in May 2019 for a price of \$420,000 appears to have the elements of an arm's length transaction reflective of fair cash value as the property had been advertised for sale, the parties were not related, and the property was transferred by warranty deed. The Board finds the May 2019 purchase price of \$420,000 is greater than the market value reflected by the subject's assessment of \$354,107, which undermines the appellant's overvaluation argument.

Next, the Board gives little weight to the appraised value presented by the appellant as sales #1 and #3 occurred in 2016, not proximate in time to the assessment date, and appraisal comparable sale #2 was inferior to the subject in age, foundation type due to the lack of a basement, and the lack of central air conditioning. The Board gives less weight to board of review sale #1, a common comparable, as the property sold in 2016. The Board finds the two best sales to board of review comparables #2 and #3 that sold in 2019 and 2018 for prices of \$385,000 and \$392,500 or for \$159.09 and \$190.53 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$354,107 or \$150.68 per square foot of living area, including land, which is below the two best comparable sales in the record.

Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct 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:

August 23, 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

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