



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

APPELLANT: Maria Kielek
DOCKET NO.: 20-07729.001-R-1
PARCEL NO.: 03-15-125-019

The parties of record before the Property Tax Appeal Board are Maria Kielek, 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 **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: \$45,800
IMPR.: \$54,030
TOTAL: \$99,830

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 2020 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 split-level single-family dwelling of brick and frame exterior construction with approximately 1,414 square feet of above-grade living area. The dwelling was constructed in 1962 and is approximately 58 years old. Features of the home include a finished lower level in addition to an unfinished partial basement, central air conditioning, and an attached two-car garage. The subject dwelling contains three bedrooms and 1.5 bathrooms.¹ The property has a site of approximately 13,283 square feet and is located in Wood Dale, Addison Township, DuPage County.

¹ The appellant's appraiser reported the subject dwelling has one full bathroom above grade and one-half bathroom in the lower level, as compared to the assessing officials who report two full bathrooms. The Board finds the appraiser's information more credible as he testified to having personally inspected the subject dwelling.

The appellant appeared before the Property Tax Appeal Board through counsel contending 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 \$265,000 as of January 1, 2020.

Gary Nusinow, an Illinois Certified General Real Estate Appraiser, was called as a witness. Mr. Nusinow identified himself as the preparer of an appraisal report. (Appellant's Exhibit #1). He testified that the appraisal report was prepared in a manner consistent with USPAP. The purpose of the appraisal was to determine an opinion of market value of the subject property for ad valorem taxation, and the property rights appraised was a fee simple estate. Nusinow testified that he personally performed an exterior and interior inspection of the subject property on November 25, 2020.

Utilizing the sales comparison approach to value, Mr. Nusinow testified that he analyzed five "best and most relevant comparables available" that were located from .2 to .47 of a mile from the subject property. The comparables were described as having sites ranging in size from 8,450 to 8,775 square feet of land area which have been improved with split-level or raised ranch dwellings of brick and frame exterior construction. The homes ranged in age from 33 to 53 years old and ranged in size from 1,156 to 1,276 square feet of above-grade living area. Each comparable has 3 bedrooms and one bathroom above ground with four comparables having an additional full bathroom and one comparable having an additional ½ bathroom in the lower level or basement. Each comparable has partial finished lower-levels, central air conditioning and a one-car or a two-car garage. The sales occurred from April 2018 to July 2019 for prices ranging from \$249,000 to \$295,000 or from \$195.45 to \$255.19 per square foot of above-grade living area, including land. After making adjustments to the comparables for differences from the subject in financing terms, location, age, condition, dwelling size, bathroom count, garage size, and porch/patio/deck features, the appraiser estimated the comparables had adjusted sales prices ranging from \$242,500 to \$290,500. From this data, and after analyzing and weighing each of the five comparables, the appraiser concluded an estimated market value for the subject of \$265,000 as of January 1, 2020. Based on this evidence, the appellant requested an assessment reflective of the appraised value.

Under cross-examination, the appraiser testified that he utilized 2 comparables that were "raised ranches" because he considered these to be very similar to the subject's split-level design as each style has an above-grade and a below-grade living area and there is no distinguishable difference in terms of desirability and market value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$99,830. The subject's assessment reflects a market value of \$298,892 or \$211.38 per square foot of above-grade living area, including land, when using the 2020 three-year average median level of assessment for DuPage County of 33.40% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on seven comparable sales (board of review Exhibit #1) located within the same assessment neighborhood code as the subject property. The comparables were described as lots ranging in size from 8,450 to 13,725 square feet of land area which have been improved with split-level dwellings of brick or frame and brick exterior construction. The homes were built between 1962

to 1972. The homes ranged in size from 1,264 to 1,552 square feet of above-grade living area. Each comparable has a finished lower level,² central air conditioning, and an attached or a detached garage ranging in size from 440 to 720 square feet of building area. Five comparables each have a fireplace; six comparables underwent substantial renovations; and one comparable features an inground swimming pool. The sales occurred from June 2017 to June 2019 for prices ranging from \$293,500 to \$375,000 or from \$216.41 to \$242.56 per square foot of above-grade living area, including land.

As to the appellant's appraisal, the board of review noted in the grid analysis that the appraiser indicated in his report that the subject has no functional obsolescence and that the home is in average to above average condition due to proper maintenance, but he made inconsistent "condition" adjustments to the comparables. Additionally, board of review argued that the appraiser utilized two "raised ranch" style homes as comparables, dissimilar from the subject's split-level design, when plenty of split-level homes sales were available in close proximity to the subject.

The board of review called as its witness Donna Castiglia who testified that she has been working for the Addison Township Assessor's Office for almost 15 years and holds a Certified Illinois Assessing Officer designation. Ms. Castiglia noted that all seven board of review comparables are split-level design dwellings located in close proximity to the subject and similar to the subject dwelling in size and amenities. She noted that the assessor's office does not have access to MLS data sheets and does not have routine access to the interior of the homes to corroborate the bedroom and bathroom count with what is stated on the property record cards. Ms. Castiglia summarized and reiterated the information contained in the board of review grid.

Under cross examination, Ms. Castiglia testified that the assessor's office does not make dollar amount adjustments to the comparables but does take into account the conditions of each property, if known. Ms. Castiglia stated that typically the condition of a property is evaluated by age or when permits are taken out for additions or renovations. She noted that with the exception of roof and siding, no permits were taken out for interior renovations with regard to the board of review comparables so there would be no way for the assessor's office to know the interior conditions of any of the comparables.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In rebuttal, appellant's counsel summarized the rebuttal evidence (Appellant's Group Exhibit #2) consisting of Multiple Listing Service (MLS) sheets. Counsel argued that each of the board of review comparables was far superior to the subject in terms of condition, finishes, and amenities having been recently renovated and/or having superior features such as an inground swimming pool. Moreover, appellant's counsel noted that board of review comparables #5 and #7 sold in 2017, which is less proximate in time to the assessment date at issue, and comparables #2 and #5 were located 1 mile or more distant from the subject property. Lastly, appellant's counsel argued

² Some descriptive information of the board of review comparables was drawn from the MLS data sheets submitted by the appellant's counsel in rebuttal (Appellant's Group Exhibit #2).

that the board of review's comparables were not adjusted for financing terms, building conditions, location, age, size, rehabilitation, and amenities, unlike the appraiser's comparables.

In response to the MLS data sheets presented by the appellant, board of review offered into evidence an MLS listing sheet (board of review Exhibit #2 for identification) showing the subject property was listed for sale in March 2020. The said MLS listing sheet was offered to show that the MLS listing sheets are not always accurate as it described the subject property as having two bathrooms rather than 1.5 bathrooms as argued by the appellant's counsel and as stated in the appraiser's report. Over the appellant's objection, the Property Tax Appeal Board will admit board of review Exhibit #2 into evidence and finds that although the MLS sheet reflects a listing rather than the sale of the subject property, the Board finds that the said document has probative value based on its close proximity in time to the assessment date at issue and will give it appropriate weight.

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 an appraisal report estimating the subject property has a market value of \$265,000 as of January 1, 2020, and the board of review submitted information on seven comparable sales in support of their respective positions before the Property Tax Appeal Board.

Initially, the Board finds the appraiser's value conclusion unpersuasive and not credible due to inconsistencies and/or ambiguities in the appraisal report as well as his testimony. In his report, the appraiser made adjustments to comparables #3, #4, and #5 for dwelling size but made no similar adjustments to comparables #1 and #2 which were of similar size. Additionally, the appraiser testified that he selected the "best and most relevant comparables available." However, he utilized two "raised ranch" style homes when comparables of same style that are similar in dwelling size and other characteristic were available as presented by the board of review. Upon questioning about his use of dissimilar style homes, the appraiser opined that the two styles are very similar in that each contains above-grade and below-grade living areas. Lastly, in the appraisal report, the appraiser described the subject's condition as "average" but also, somewhat confusingly, noted in the very next sentence that "[m]aintenance is average to above average compared to this neighborhood and competing neighborhoods. No repairs are required." He then made a positive adjustment to comparable #2 based on its average-to-below-average condition in the amount of \$6,000 and also a negative adjustment to comparable #5 in the amount of \$12,000 based on its above average condition without distinguishing "maintenance" from "condition" with regard to the comparable properties. These factors undermine the credibility of the appraisal's final value conclusion. However, the Board will examine the raw sales data contained in this record, including the sales in the appellant's appraisal.

After reviewing the evidence in the record, the testimony of the witnesses, and the arguments of the parties, the Board gave less weight to appellant's appraiser's comparables #1 and #5 based on

their raised ranch design, dissimilar to the subject's split-level style dwelling. Also, the Board gave less weight to board of review comparables #5 and #7 based on their older sales which occurred in 2017 which is less proximate and less likely to reflect the subject's market value as of the January 1, 2020 assessment date at issue than the remaining sales in the record.

The Board finds the best evidence of market value in this record to be the appellant's appraiser's comparables #2, #3, and #4, along with board of review comparables #1, #2, #3, #4, and #6. The Board finds these comparables to be most similar to the subject property in location, dwelling size design/style, and most features. They also sold proximate in time to the January 1, 2020 assessment date at issue. The best comparables in the record sold from February 2018 to July 2019 for prices ranging from \$249,000 to \$360,000 or from \$195.45 to \$234.53 per square foot of above-grade living area, land included. The subject's assessment reflects a market value of \$298,892 or \$211.38 per square foot of living area including land, which falls within the range established by the most similar comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported.

As to the subject's listing, (board of review Exhibit #2), the Property Tax Appeal Board has given due consideration to the subject's listing and finds that it sets the upper limit of subject's market value. The MLS data sheet describes the subject property as "beautifully updated" with new roof, new windows, new siding and newer circular driveway and sidewalks. This suggests that the subject may have a market value higher than the appraised value which further undermines the appraiser's value conclusion. Furthermore, board of review Exhibit #2 undermines appellant's argument that the board of review comparables are superior to the subject due to renovations.

In conclusion, based on the evidence in the record and the testimony and arguments of the parties, the Board finds that the appellant did not establish by a preponderance of the evidence that the subject property's assessment as reflected by its market value is excessive and, therefore, a reduction in the subject's assessment is not 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:

April 19, 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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