



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

APPELLANT: Gary & Liana Prorok
DOCKET NO.: 23-05153.001-R-1
PARCEL NO.: 03-18-408-020

The parties of record before the Property Tax Appeal Board are Gary & Liana Prorok, the appellants; 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: \$53,910
IMPR.: \$109,410
TOTAL: \$163,320

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2023 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 parties appeared before the Property Tax Appeal Board for a hearing at the DuPage County Board of Review Office in Taylorville pursuant to a prior written notice. Appearing were the appellants Gary and Liana Prorok and appearing on behalf of the DuPage County Board of Review was board member, Don Whistler along with witness, Donna Castiglia, Senior Residential Appraiser for Addison Township.

The subject property consists of a 2-story dwelling of frame and brick exterior construction with 3,583 square feet of living area. The dwelling was constructed in 1989 and is approximately 34 years old. Features of the home include an unfinished basement, central air conditioning, two fireplaces, two full baths, one half bath, and a 564 square foot garage. The property has an 8,432 square foot site and is located in Addison, Addison Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on eight comparable sales with the same neighborhood code as the subject and are reported to be located either .15 or .20 of a mile from the subject. The comparables have sites ranging in size from 8,520 to 12,632 square feet of land area that are improved with 2-story dwellings of brick or brick and frame exterior construction ranging in size from 3,177 to 3,734 square feet of living area. The dwellings are 34 to 40 years old and have basements, four of which have finished area.¹ Each comparable has central air conditioning, one or two fireplaces, two or three full baths and a garage ranging in size from 460 to 792 square feet of building area. Four comparables each have one or two half baths. The comparables sold from June 2020 to October 2022 for prices ranging from \$385,000 to \$485,000 or from \$112.57 to \$135.85 per square foot of living area, including land.

In further support of the overvaluation argument, the appellants submitted an appraisal report prepared by appraisers Dan Benkert and Tom Schmidt, Certified Residential Real Estate Appraisers. The appraisers were not present at the hearing. The purpose of the appraisal was to estimate fair market value of the subject property as of April 17, 2020, for a mortgage refinance transaction. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

Under the sales comparison approach to value the appraiser used four comparables sales located approximately .15 to .94 of a mile from the subject property. The comparables are described as 2-story dwellings with varying degrees of similarity to the subject in location, age, dwelling size and features. The comparables sold from April to December 2019 for prices ranging from \$452,500 to \$475,000 or from \$115.76 to \$151.21 per square foot of living area, including land. After considering adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$445,000.

The appellants testified that their frame and brick house with an unfinished basement and a 2-car garage has not been remodeled. The appellants also contends the assessor's website states that the best evidence of value is a recent appraisal and when comparing properties to the subject property, similar property characteristics should be used. Of the 8 comparables sales selected, five have unfinished basements which is prominent characteristic of the subject. The appellants listed five relevant points as to why the subject property is overvalued. The appellants further provided additional data and statistics on 13 homes that sold in the "A16" neighborhood from 2020 to 2022, nine of which sold below \$500,000. The appellants asserted these homes have superior characteristics such as finished basements, remodeled or upgraded kitchens, full or $\frac{3}{4}$ brick exteriors and 3-car garages which further support the subject being overvalued.

Based on the foregoing evidence the appellants requested a reduction in the subject's assessment to \$148,334.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$180,000. The subject's total assessment reflects a market value of \$541,516 or \$151.13 per square foot of living area, including land when applying the 2023 three

¹ The Board finds appellants' comparable #8 has a basement that is 100% finished based on the property record card submitted by the board of review.

year median level of assessment of 33.24% for DuPage County as determined by the Illinois Department of Revenue.

In response to the appeal the board of review submitted grid analyses and property record cards for the subject and the appellants' eight comparable sales and the four comparable sales utilized in the appellants' appraisal.

In support of this argument the board of review submitted information on seven comparables with the same neighborhood code and from .18 to .23 of a mile from the subject. Comparable #1 is a subsequent sale of appellants' comparable #6. The comparables have sites ranging in size from 7,841 to 10,019 square feet of land area that are improved with 2-story dwellings of brick or frame and brick exterior construction ranging in size from 2,456 to 4,388 square feet of living area. The dwellings were built from 1988 to 1994 and have basements with finished area.² Each comparable has central air conditioning, one fireplace, two or three full baths and a garage ranging in size from 451 to 924 square feet of building area. Five comparables each have one half bath. The comparables sold from October 2020 to September 2023 for prices ranging from \$475,000 to \$625,000 or from \$141.99 to \$213.52 per square foot of living area, including land. The board of review also submitted a comparable sales map depicting the locations of both parties comparables in relation to the subject.

At the hearing, Don Whistler objected to the appraisal as it was 3-year-old appraisal, and the appraiser was not present to question. In addition, it was a mortgage appraisal that the intended user was the lender.

Donna Castiglia, Senior Residential Appraiser for Addison Township testified that two of the seven comparable properties submitted have finished basements unlike the subject property. Castiglia stated that we do not place a huge value on finished basements because a lot of people finish basements without permits. Upon further questioning, Castiglia agreed that homes with finished basements do sell for more than homes with unfinished basements but there is not a huge disparity. The fact that they have basements is where the value is at.

In written rebuttal and testimony, the appellants argued the assessor chose the highest priced properties that sold in the subject's A16 neighborhood. All of these homes have finished basements which are superior to the subject's unfinished basement. The appellants provided printouts of pictures from Zillow for board of review comparables #3 and #6 located at 1228 Aspen Way and 1268 Aspen Way which noted 1228 Aspen Way has a remodeled kitchen, a remodeled bathroom, a finished basement with a bathroom and a 3-car garage while 1268 Aspen Way has a finished basement with wet bar and bathroom, 4 remodeled bathrooms and a remodeled kitchen. The appellants also asserted that they tried to get the appraiser to come to the hearing, but he retired and no longer has a valid license. The appellants further argued the best indicator of value was the appraisers' independent and unbiased opinion of value.

² The Board finds the evidence in the record submitted by the appellants disclosed all the board of review comparables have finished basement area.

Conclusion of Law

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

In support of the overvaluation argument the appellants submitted an appraisal estimating the subject had a market value of \$954,000 as of January 1, 2023. The Board hereby sustains the objection. The Board finds the appellants' appraiser was not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology and final value conclusion. In Novicki v. Department of Finance, 373 Ill.342, 26 N.E.2d 130 (1940), the Supreme Court of Illinois stated, "[t]he rule against hearsay evidence, that a witness may testify only as to facts within his personal knowledge and not as to what someone else told him, is founded on the necessity of an opportunity for cross-examination, and is basic and not a technical rule of evidence." Novicki, 373 Ill. at 344. In Oak Lawn Trust & Savings Bank v. City of Palos Heights, 115 Ill.App.3d 887, 450 N.E.2d 788, 71 Ill.Dec. 100 (1st Dist. 1983) the appellate court held that the admission of an appraisal into evidence prepared by an appraiser not present at the hearing was in error. The court found the appraisal was not competent evidence stating: "it was an unsworn ex parte statement of opinion of a witness not produced for cross-examination." This opinion stands for the proposition that an unsworn appraisal is not competent evidence where the preparer is not present to provide testimony and be cross-examined. Based on this case law, the Board gives the conclusion of value contained in the appraisal no weight. The appraiser was not present at the hearing to be cross-examined with respect to the appraisal methodology, the selection of the comparables, the adjustment process and the ultimate conclusion of value. However, the Board will examine the raw sales data contained in this record, including the sales in the appellants' appraisal.

The Board gives less weight to the appellants' appraisal comparables which sold over 3 years prior to the January 1, 2023, assessment and are less likely to be reflective of market value as of that date. The Board also gives less weight appellants' comparables #1 through #7 as well as board of review comparables #4, #5 and #6 which sold over 13 months prior to the January 1, 2023, assessment date and are less likely to be reflective of market value as of that date. Lastly, the Board give less weight to board of review comparables #3 and #8 due to significant differences in dwelling size when compared to the subject.

The Board finds the best evidence of market value to be appellants' comparable #8 along with board of review comparables #1 and #2 which sold proximate in time to the assessment date at issue and overall are more similar to the subject in age, dwelling size and some features. However, each comparable has finished basement area and more baths and one comparable has a larger garage suggesting downward adjustments are necessary to make them more equivalent to the subject. These comparables sold from March to October 2022 for prices ranging from \$430,708 to \$560,000 or from \$135.57 to \$173.70 per square foot of living area, including land. The subject's total assessment reflects a market value of \$541,516 or \$151.13 per square foot of

living area, including land which falls within the range established by the best comparable sales in the record. However, after considering adjustments to the best comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by the assessment is excessive. Based on this record the Board finds a 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: _____

June 17, 2025



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

Gary & Liana Prorok
1226 N Aspen Way
Addison, IL 60101

COUNTY

DuPage County Board of Review
DuPage Center
421 N. County Farm Road
Wheaton, IL 60187