



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

APPELLANT: Lo & Sophia Wu
DOCKET NO.: 13-00673.001-R-1
PARCEL NO.: 12-02-06-209-020-0000

The parties of record before the Property Tax Appeal Board are Lo & Sophia Wu, the appellants, and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$29,100
IMPR.: \$143,488
TOTAL: \$172,588

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 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 parcel is improved with a part two-story and part one-story single-family dwelling of frame and masonry construction containing approximately 3,744 square feet of living area.¹ The dwelling was built in 1990 and features include a basement with 1,400 square feet of finished area, central air conditioning, two fireplaces² and a two-car garage of 506 square feet of building

¹ The appellants reported a dwelling size of 3,504 square feet. The appellants' evidence includes four separate appraisals of the subject dwelling with dwelling sizes of 3,504, 3,525, 3,516 and 3,467 square feet of living area, respectively. The board of review included a copy of the subject's property record card with a schematic drawing and the reported dwelling size. Given the record, the Property Tax Appeal Board finds the disputed dwelling size is not relevant to a final determination of the correct assessment.

² The appellants reported a single fireplace whereas the assessing officials report two fireplaces on the subject's property record card; the appellants' appraisals variously report no fireplaces, one fireplace and two fireplaces, one of which was reported to be in the basement which are confirmed by photographs in the appraisal. Again, due to the evidence of record, the Board finds this factual dispute is not crucial to a determination in this matter.

area. The subject parcel of 11,492 square feet of land area is wooded and backs to the DuPage River. The property is located in Naperville, DuPage Township, Will County.

The appellants contend both overvaluation and lack of assessment uniformity as the bases of the appeal and seek reductions to both the subject's land and improvement assessments. In support of these arguments, the appellants presented three comparable properties with both sales and equity data along with four separate appraisals of the subject property and a brief summarizing the appraisal data. In a cover letter, the appellants also contend that the 2010 favorable decision of the Property Tax Appeal Board "can be referenced for assessment purpose." In this regard, the appellants are advised that tax year 2011 was the start of the quadrennial reassessment cycle in Will County for tax years 2011, 2012, 2013 and 2014. Therefore, this 2013 assessment appeal began with the 2011 reassessment of the subject property and is not related to the 2010 favorable decision of the Property Tax Appeal Board. (35 ILCS 200/9-215; see also 35 ILCS 200/16-185)

Appellants' sales & equity data

In the Section V grid analysis, the appellants provided information on three suggested comparable properties located on the same street as the subject property. The comparables consist of two-story brick and frame dwellings that were between 22 and 25 years old. The homes range in size from 3,030 to 3,528 square feet of living area. The appellants were unable to report the basement size of the comparables, but indicated that each was partially finished. The homes feature central air conditioning, a fireplace and a garage ranging in size from 452 to 637 square feet of building area. These comparables sold between October 2006 and December 2011 for prices ranging from \$392,500 to \$545,000 or from \$129.54 to \$158.11 per square foot of living area, including land. The comparables have improvement assessments ranging from \$118,500 to \$126,300 or from \$35.09 to \$39.11 per square foot of living area.

These three comparable parcels are each reported to contain approximately 11,000 square feet of land area and have land assessments of \$28,100. The subject is reported to contain approximately 11,700 square feet of land area and the appellants seek a land assessment of \$28,100 for the subject.

Appraisal #1 – effective July 22, 2010

The appellants submitted an appraisal prepared by Jason Martyn for the client Mortgage Direct regarding a refinance transaction. Utilizing both the cost and sales comparison approaches to value, the appraiser estimated the subject property had a market value of \$528,000 as of July 22, 2010. As part of the description of the subject dwelling, Martyn described a cathedral foyer in the subject dwelling and his schematic drawing of the subject dwelling similarly reflects such an open area on the second floor of the dwelling reflecting approximately 108 square feet.

Appraisal #2 – effective August 18, 2010

The appellants submitted an appraisal prepared by Peter Guazzo for the client Provident Funding Associates, L.P. regarding a refinance transaction. Utilizing both the cost and sales comparison approaches to value, the appraiser estimated the subject property had a market value of \$555,000 as of August 18, 2010.

Appraisal #3 – effective September 7, 2011

The appellants submitted an appraisal prepared by David Lewellyan for the client Amerisave Mortgage regarding a refinance transaction. Utilizing both the cost and sales comparison approaches to value, the appraiser estimated the subject property had a market value of \$575,000 as of September 7, 2011.

Appraisal #4 – effective June 2, 2012

The appellants submitted an appraisal prepared by Michael Gornikowski for the client Provident Funding Group regarding a refinance transaction. Utilizing the sales comparison approach to value, the appraiser estimated the subject property had a market value of \$520,000 as of June 2, 2012.

As part of the appraisal, the appraiser reported the subject dwelling contains 3,467 square feet of living area and included a schematic drawing to support the calculation. The drawing includes a cathedral foyer area and a basement of 1,732 square feet of which 1,472 square feet is finished. The appraiser also reports the subject has a walkout-style basement and one fireplace on the main level, although basement photographs in the report are too dark to determine the location of a basement fireplace that was present in a different appraisal report. The subject parcel is reported to contain approximately 11,539 square feet of land area according to the appraiser (see Supplemental Addendum).

In a brief discussing the evidence of record, the appellants made reference to a January 2013 appraisal of the subject property with an estimated market value of \$516,000 stating "appraisal can be obtained and provided if needed." As part of this documentation at page 6, the appellants question refunds for tax years 2011, 2012 and 2013.³

Based on the foregoing evidence and arguments, the appellants requested a total assessment of \$166,600 which would reflect a market value of approximately \$499,800 or \$133.49 per square foot of living area, including land or an improvement assessment of \$138,500 or \$36.99 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$192,200. The subject's assessment reflects a market value of \$579,090 or \$154.67 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Will County of 33.19% as determined by the Illinois

³ The Property Tax Appeal Board has no jurisdiction with regard to any "multi-year" rebate as questioned by the appellants. Corrections with regard to property records are provided for in the Property Tax Code (35 ILCS 200/14-20). The rule in Illinois is that taxes voluntarily, though erroneously, paid cannot be recovered unless recovery is authorized by statute. Jansen Real Estate Corp. v. P.J. Cullerton, 49 Ill. App. 3d 231, 236 (1st Dist. 1977); Aldens, Inc. v. Rosewell, 71 Ill. App. 3d 754, 757; Inland Real Estate Corp. v. Oak Park Trust and Savings Bank, 127 Ill. App. 3d 535, 549 (1st Dist. 1984); Bass v. South Cook County Mosquito Abatement Dist., 236 Ill. App. 3d 466, 467 (1st Dist. 1992). Since there is no statute providing for a recovery of taxes that may have been wrongly but voluntarily paid without protest, there is no method by which the appellants can obtain a refund for any years prior to the year in which an assessment complaint has been filed which in this matter is tax year 2013.

Department of Revenue. The subject property has a land assessment of \$29,100 and an improvement assessment of \$163,100 or \$43.56 per square foot of living area.

In response to the appeal, the board of review submitted a single-page memorandum addressing the lack of applicability of the 2010 decision of the Property Tax Appeal Board to the instant appeal for tax year 2013 and noting descriptive differences of the subject property in dwelling size, basement size and number of fireplaces between the appellants and the assessing officials. The document also states the appellants provided "a private appraisal dated 2010." As outlined above, the Property Tax Appeal Board finds the appellants provided four separate appraisals of the subject property, two of which were dated in 2010, one in 2011 and one in 2012; the appellants also made reference to a 2013 appraisal, but did not provide that document as evidence.

In addition, the board of review submitted a memorandum prepared by and data gathered by the township assessor who reported there are 378 custom built dwellings in the subject's subdivision. The assessor also stated the subject "has an out of ground basement and 2 car garage." As to the subject's land assessment, the assessor noted that land values vary based on lot size and location; the subject backs to a wooded area and the DuPage River (an aerial photograph was submitted to support this contention).

As to the equity comparables presented by the appellants, the assessor contends that the subject is superior to these properties in basement design, size, finish, plumbing fixtures along with differences in fireplace amenities and dwelling size. In support of its contention of the correct assessment the board of review through the township assessor submitted information on five equity comparables, four of which are located on the subject's street. The comparable parcels range in size from 9,990 to 17,360 square feet of land area and have land assessments of either \$29,100 or \$31,400.

The parcels are improved with a "custom" and four, part two-story and part one-story brick and frame dwellings.⁴ The homes were built in 1989 or 1991 and range in size from 3,658 to 3,804 square feet of living area. Each comparable has a basement, four of which are described as "above ground basements" and one of which is a walkout-style. Each basement has finished area ranging in size from 487 to 2,195 square feet of building area. Each home has one or two fireplaces and a garage ranging in size from 467 to 769 square feet of building area. These comparables have improvement assessments ranging from \$158,400 to \$181,100 or from \$42.04 to \$48.23 per square foot of living area.

The board of review provided no recent sales data to address the appellants' overvaluation argument.

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

In written rebuttal, the appellants noted the evidence submitted was intended to address the subject's "true property value for tax years 2010 to 2013." Also as part of the rebuttal, the

⁴ There was no design data for board of review comparable #4.

appellants invited the assessing officials from Will County to inspect the subject dwelling and update, as necessary, the subject's property record card and various amenities.

Conclusion of Law

The appellants contend unequal treatment in the subject's land and improvement assessments as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellants have not met this burden.

The parties submitted a total of eight equity comparables to support their respective positions before the Property Tax Appeal Board. The Board finds the comparables submitted by both parties were similar to the subject in location, size, style, exterior construction, features and/or age.

The comparable parcels range in size from 11,000 to 17,360 square feet of land area. The parcels have land assessments of \$28,100, \$29,100 or \$31,400. The subject parcel of 11,492 square feet which backs to a wooded area and the DuPage River has a land assessment of \$29,100 which falls within the range of the land assessments of comparable parcels. Based on this evidence, the Board finds that a reduction in the subject's land assessment is not warranted.

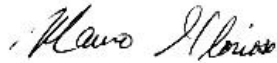
For the improvement inequity argument, the parties presented similar dwellings that range in size from 3,030 to 3,804 square feet of living area with improvement assessments ranging from \$118,500 to \$181,100 or from \$35.09 to \$48.23 per square foot of living area. The subject has an improvement assessment of \$163,100 or \$43.56 per square foot of living area which falls within the range of the comparables presented by both parties. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not warranted on grounds of lack of assessment uniformity.

The appellants also 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.

The appellants submitted three comparable sales in the Section V grid analysis of the residential appeal petition. These three sales occurred in 2006, 2009 and 2011, dates remote in time to the valuation date at issue of January 1, 2013. Therefore, the Board has given no weight to these three sales presented by the appellants. Similarly, the Board has given no weight to Appraisals #1, #2 and #3 as these appraisals opine values for the subject property that are also remote in time to the valuation date at issue and, furthermore, these appraisals rely upon sales of properties that were further remote in time to the assessment date of January 1, 2013.

The Board finds the best evidence of market value to be appellants' Appraisal #4 with an estimated market value of \$520,000 as of June 2, 2012, a date approximately six months prior to the assessment date at issue. The board of review did not refute the data contained within the appraisal report and did not provide alternative market value evidence in the form of sales of comparable properties to refute the value conclusion of Appraisal #4. The subject's assessment reflects a market value of \$579,090 or \$154.67 per square foot of living area, including land, which is above the appraised value in Appraisal #4. Based on this limited market value evidence of record, the Board finds a reduction in the subject's assessment is 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.



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 24, 2016



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 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 the subsequent year 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.

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.