



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

APPELLANT: Scott Widler
DOCKET NO.: 14-01317.001-R-1 through 14-01317.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Scott Widler, the appellant, by attorney Margaret E. Graham of McCracken, Walsh & de LaVan, in Chicago, and the Will County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
14-01317.001-R-1	07-01-35-402-055-0000	72,350	158,457	\$230,807
14-01317.002-R-1	07-01-35-402-056-0000	110	0	\$110

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from decisions of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessments of these parcels for the 2014 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 frame construction with 4,573 square feet of living area.¹ The

¹ The appellant reported the subject dwelling contains 4,752 square feet of living area and submitted a printout from the Supervisor of Assessments'

dwelling was constructed in 2000. Features of the home include a full walkout-style basement with finished area, central air conditioning, two fireplaces and a three-car garage. The property has an approximately 9,711 square foot site and is located in Plainfield, Plainfield Township, Will County.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on three equity comparables with data drawn from the website of Rhonda R. Novak, Supervisor of Assessments. The data from this website reflected dwellings that ranged in size from 3,777 to 4,536 square feet of living area. The improvement assessments ranged from \$78,877 to \$119,599 or from \$17.39 to \$31.67 per square foot of living area.

Based on this evidence, the appellant requested an improvement assessment of \$117,089 which would reflect an assessment of \$25.60 per square foot of living area based on a dwelling size of 4,573 square feet.

The board of review submitted its "Board of Review Notes on Appeal." The total assessment for the two parcels constituting the subject is \$230,917. The subject property has an improvement assessment of \$158,457 or \$34.65 per square foot of living area. The submission also included copies of the applicable property record cards.

In rebuttal the board of review submitted a statement from the Wheatland Township Assessor's Office, asserting that appellant's comparable #1 has been adjusted due to the infestation of mold, comparable #2 is a smaller dwelling of only 3,886 square feet and comparable #3 is on a busy street, not an Estate Home like the subject and is nearly 1,000 square feet smaller than the subject.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable properties numbered #1, #3, #4, #5 and #6 along with applicable property record cards. In the township assessor's statement, it was asserted that there were three sale and three equity comparables for a total of six comparable properties; the grid analysis depicts four sales and equity data for each of the five comparables. Each comparable presented is reported to be in the subject's subdivision and within 150

website. The board of review submitted a copy of the subject's property record card depicting a dwelling size of 4,573 square feet which the Board finds is the best evidence of the subject's dwelling size.

square feet of the size of the subject dwelling. The five comparables have improvement assessments ranging from \$45,957 to \$169,509 or from \$8.43 to \$38.14 per square foot of living area.

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

Conclusion of Law

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of eight equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given less weight to appellant's comparable #3 as this dwelling is significantly smaller than the subject dwelling by approximately 1,000 square feet.

The Board finds the best evidence of assessment equity to be the remaining seven comparables submitted by both parties. These comparables have varying degrees of similarity to the subject dwelling in size, features and amenities. These comparables had improvement assessments that ranged from \$8.43 to \$38.14 per square foot of living area. The subject's improvement assessment of \$34.65 per square foot of living area falls within the range established by the best comparables in this record.

Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if

such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction 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.

Chairman

K. L. Ferr

Member

Mark Albino

Member

Jerry White

Member

Acting Member

DISSENTING: _____

C E R T I F I C A T I O N

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 21, 2015

A. Portel

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.