



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

APPELLANT: Bidu & Pradip Nayak
DOCKET NO.: 14-01390.001-R-1
PARCEL NO.: 07-01-17-208-015-0000

The parties of record before the Property Tax Appeal Board are Bidu & Pradip Nayak, 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: \$35,960
IMPR.: \$126,673
TOTAL: \$162,633

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 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 exterior construction with 4,493 square feet of living area. The dwelling was constructed in 2012. Features of the home include a finished basement, central air conditioning, a fireplace and a 910 square foot garage. The property is located in Naperville, Wheatland Township, Will County.

Pradip Nayak appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal.¹ In support of this argument the appellants submitted information on the cost to construct the subject dwelling and a copy of a "Stipulation of Assessment by the Parties" for the 2013 assessment year. The appellants submitted occupancy permits indicated the dwelling was completed in December 2012. The appellants submitted a "Sworn Statement for Contractor

¹ A consolidated hearing was held under Docket Nos. 14-01390.001-R-1, 15-00288.001-R-1 and 16-01234.001-R-1. Individual decisions will be rendered for each parcel with the applicable evidence presented.

and Subcontractor to Owner" disclosing a total cost of \$380,018 or \$84.58 per square foot of living area.

Mr. Nayak argued that his 2014 assessment should not have increased based on a 2013 stipulated agreement with the Wheatland Township Assessor for the board of review. The appellant testified that the stipulation was based on the new construction of his home which included a finished basement. The appellant testified that he took out a permit for the finished basement and received an occupancy permit for the finished basement on the same date as the occupancy permit for the home.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$169,646. The subject's assessment reflects a market value of \$510,521 or \$113.63 per square foot of living area, land included, when using the 2014 three-year average median level of assessment for Will County of 33.23% as determined by the Illinois Department of Revenue. The subject's improvement assessment reflects a value of \$89.54 per square foot of living area.

Representing the board of review was John Trowbridge and Board of Review member Susan McMillin.

The board of review submitted correspondence from the Wheatland Township Assessor's office stating that the finished basement was not assessed until 2014 and that Mr. Nayak would be not be paying taxes on the finished basement until 2019. They stated that they added the finished basement to the property record card and it increased the assessment by \$7,013. Also, the assessor's office explained that the home is past the "New Construction" assessment phase and the property should be assessed at 33 1/3 like the rest of the neighborhood.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located in the same neighborhood code assigned by the township assessor as the subject property. The comparable sales are improved with two-story dwellings of frame or frame and brick exterior construction and were built from 2007 to 2013. Features include basements with three comparables having finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 787 to 1,052 square feet of building area. The dwellings range in size from 4,337 to 4,569 square feet of living area and sold from September 2011 to July 2013 for prices ranging from \$556,717 to \$821,740 or from \$121.85 to \$181.40 per square foot of living area land included.

Under cross examination, Trowbridge testified that he could not answer if the Wheatland township assessor received a copy of the home and finished basement occupancy permits.

Upon written rebuttal, Mr. Nayak argued that the stipulation form submitted by the board of review was not the one that he signed.

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

The Board gave less weight to the comparable sales submitted by the board of review. These sales do not address the argument that the appellant's finished basement was charged twice.

The Board finds the best evidence of market value to be the cost to construct the dwelling submitted by the appellant. The appellant testified that the total cost to construct the dwelling, including the finished basement, was \$380,018. Furthermore, the appellant submitted a copy of the contractor's statement, which referenced an amount for the basement, and the itemizes breakdown of costs references drywall that included the basement. Additionally, the stipulation signed by the board of review for the 2013 assessment year indicates it agreed that the construction costs provided by the appellant were true and correct. The Board finds that the improvement assessment in the 2013 Stipulation of Assessment by the Parties is at one-third of the total cost of construction submitted by Mr. Nayak, which included the finished basement. The Board finds that there was no substantial cause for the assessor to increase the 2014 improvement assessment for a finished basement due to the fact the finished basement was included in the 2013 improvement assessment. Based on this evidence the Board finds a reduction in the subject's assessment is justified to reflect the construction costs provided by the appellant.

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: July 16, 2019



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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