



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

APPELLANTS: Varghese & Sheeba Eettickal  
DOCKET NO.: 15-00368.001-R-1  
PARCEL NO.: 07-01-12-106-001-0000

The parties of record before the Property Tax Appeal Board are Varghese & Sheeba Eettickal, the appellants, by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$41,360  
**IMPR.:** \$135,251  
**TOTAL:** \$176,611

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 2015 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 4,416 square feet of living area. The dwelling was constructed in 2005. Features of the home include a basement, central air conditioning, a fireplace and a three-car garage with 712 square feet of building area. The property is located in Naperville, Wheatland Township, Will County.

The appellants appeared before the Property Tax Appeal Board through counsel contending overvaluation as the basis of the appeal. In support of this argument the appellants submitted a limited "Property Tax Analysis (Sales)" of four suggested comparable sales. The analysis was dated April 6, 2016. The comparables are located within .45 of a mile from the subject property. The grid analysis reported that the comparables are improved with two-story dwellings ranging in size from 3,948 to 4,566 square feet of living area and built in 2004 and 2005. Each comparable has a basement, central air conditioning, three comparables have a fireplace and each

comparable has a garage ranging in size from 420 to 700 square feet of building area. The comparables sold from November 2014 to March 2015 for prices ranging from \$383,250 to \$500,000 or from \$96.47.62 to \$112.26 per square foot of living area, land included.

The analysis also included "Property Equalization Values" (adjustments) to the comparables for sale date and land.<sup>1</sup> No evidence or explanation pertaining to the calculation of the adjustment amounts was provided. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$443,606 or a total assessment of \$147,854. At the bottom of the analysis, data sources were listed as Assessor, County, MLS, Realist and Marshall & Swift. Hill-Magiera withdrew the "Property Equalization Values" analysis that was included with the evidence and requested that the Property Tax Appeal Board analyze the raw sales data that comes from public sources. Based on this evidence, the appellants requested a reduction in the subject's assessment.

Under cross examination, Hill-Magiera responded that the evidence was compiled by Pro Tax Appeal and the owner is Rick Robin. When questioned about the fee arrangement for the "Property Tax Analysis (Sales)," Hill-Magiera responded that Robin receives a contingency fee. Hill-Magiera stated that she did not have the preparer of the report as a witness.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$176,611. The subject's assessment reflects a market value of \$531,161 or \$120.28 per square foot of living area, land included, when using the 2015 three year average median level of assessment for Will County of 33.25% as determined by the Illinois Department of Revenue. Representing the board of review was John Trowbridge. Also present from Wheatland Township was Chuck Kern.

In response to the appeal, the board of review submitted a memorandum asserting that the comparables #1 through #3 were "bank sales." The board of review also disclosed that the appellants' comparable #2 resold in March 2016 for \$463,000.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales located within .42 of a mile from the subject property. One comparable was utilized by the appellants. The comparables consist of two-story dwellings with frame exterior construction that were built in 2005. The homes range in size from 4,288 to 4,542 square feet of living area. Each comparable has a basement, central air conditioning, three comparables have a fireplace and each comparable has a garage ranging in size from 662 to 724 square feet of building area. The comparables sold between July 2014 and June 2015 for prices ranging from \$500,000 to \$580,000 or from \$112.26 to \$129.23 per square foot of living area, including land. Based on this evidence and testimony, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants' counsel asserted that pursuant to section 16-183 of Property Tax Code (35 ILCS 200/16-183) the Property Tax Appeal Board is to consider compulsory sales.

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<sup>1</sup> No data concerning land sizes of the comparables were presented in the appellant's evidence.

Lastly in rebuttal, counsel argued that a sales range is misleading and using a sales range alone does not accurately determine if a property is fairly assessed. Counsel further argued that using a median sale price per square foot "more accurately reflects a reasonable market value."

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellants' counsel's argument that the Board should adopt a standard practice of using the median sale price per square foot of living area, including land, of those comparables deemed best in determining fair market value because it is "more accurate." Contrary to this argument, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellants' counsel, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The parties submitted seven comparables for the Board's consideration. Appellants' comparable #4 is the same property as board of review comparable #2. The Board recognizes that some of the appellants' comparables may be either short sales or foreclosures. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The Board gave less weight to the appellants' comparable #2 based on its smaller dwelling size when compared to the subject.

The Board finds the best evidence of market value to be appellants' comparable sales #1, #3 and #4, along with the board of review comparable sales. These comparables are most similar in location, age, dwelling size exterior construction and features sold for prices ranging from \$440,501 to \$580,000 or from \$96.47 to \$129.23 per square foot of living area, including land. The subject's assessment reflects a market value of \$531,161 or \$120.28 per square foot of living area, including land, which is within the range established by the comparable sales in this record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by assessment is supported and a reduction is not warranted. Based on this evidence the Board finds a reduction in the subject's assessment is not 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. 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.



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Chairman



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Member

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Member



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Member



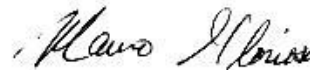
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Member

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: May 26, 2020



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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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