



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

APPELLANT: Weimin Wu
DOCKET NO.: 16-01151.001-R-1
PARCEL NO.: 07-01-02-106-036-0000

The parties of record before the Property Tax Appeal Board are Weimin Wu, the appellant, by 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: \$50,960
IMPR.: \$215,051
TOTAL: \$266,011

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 2016 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 4,224 square feet of living area. The dwelling was constructed in 2009. Features of the home include a full unfinished basement, central air conditioning, four fireplaces and a 924 square foot garage.¹ The property is located in Naperville, Wheatland Township, Will County.

The appellant submitted evidence before the Property Tax Appeal Board claiming both assessment inequity and overvaluation as the bases of the appeal. In support of the inequity claim, the appellant submitted a grid analysis of eight assessment comparables located in the same neighborhood as the subject as assigned by the township assessor and within .12 of a mile of the subject property. The comparables consist of two-story dwellings ranging in size from 4,563 to 5,092 square feet of living area that were built from 2009 to 2015. The appellant

¹ Appellant's attorney provided limited information regarding the features of both the subject property and the comparables. Additional descriptive details about the subject were submitted by the board of review.

provided limited descriptive information for the respective comparables and only reported that each comparable features a basement. The comparables have improvement assessments ranging from \$215,861 to \$237,941 or from \$46.73 to \$48.08 per square foot of living area.

In support of the overvaluation claim, the appellant submitted a grid analysis of nine comparable sales located between .29 and .96 of a mile of the subject property. The comparables consist of two-story dwellings ranging in size from 3,669 to 4,604 square feet of living area that were built from 1998 to 2003. The comparables feature a basement, central air conditioning, a fireplace and a garage ranging in size from 647 to 755 square feet of building area. The appellant did not disclose the exterior construction of the dwellings or if the dwellings have finished basement areas. The comparables sold from June 2015 to June 2016 for prices ranging from \$405,000 to \$775,000 or from \$107.83 to \$177.65 per square foot of living area including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$266,011. The subject's assessment reflects a market value of \$799,793 or \$189.34 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Will County of 33.26% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$215,051 or \$50.91 per square foot of living area.

With respect to the appellant's evidence, the board of review submitted a letter from the Wheatland Township Assessor critiquing the comparables submitted by the appellant's counsel.

In support of its contention of the correct assessment, the board of review submitted information on two comparable sales and five assessment equity comparables.

The five equity comparables are located in the same neighborhood as the subject as assigned by the township assessor and within .10 of a mile of the subject property. Board of review equity comparables #2 and #3 are the same properties as the appellant's equity comparables #6 and #8. The comparables consist of two-story dwellings of frame exterior construction ranging in size from 4,417 to 4,604 square feet of living area. The dwellings were built from 2012 to 2014. Each comparable has a basement with one having finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 625 to 900 square feet of building area. The comparables have improvement assessments ranging from \$215,861 to \$236,629 or from \$46.94 to \$53.57 per square foot of living area.

The two comparable sales are located in the same neighborhood as the subject as assigned by the township assessor and within .07 of a mile of the subject property. The comparables consist of two-story dwellings of frame exterior construction containing 4,602 or 4,878 square feet of living area. The dwellings were built in either 2014 or 2015. Each comparable features an unfinished basement, central air conditioning, a fireplace and a 775 or 919 square foot garage. The comparables sold in March 2014 and July 2015 for prices of \$923,392 and \$800,487 or \$200.65 and \$164.10 per square foot of living area, including land, respectively.

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

In written rebuttal, counsel for the appellant contended that comparable sale #1 submitted by the board of review sold in 2014 which is too remote in time to establish market value as of January 1, 2016 and comparable sale #2 was an acceptable comparable. In a rebuttal grid analysis, counsel reiterated the six best comparable sales in the record and contended the subject's assessment should be reduced.

Lastly in rebuttal, counsel argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Counsel further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

Conclusion of Law

As an initial matter, the Property Tax Appeal Board gave no weight to the appellant's 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 appellant's counsel, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The appellant argued assessment inequity as a 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 failed to meet this burden of proof.

The record contains 11 assessment comparables for the Board's consideration which includes two comparables submitted by both parties. The Board gave little weight to the appellant's evidence as it contained limited descriptive information about the dwellings to allow the Property Tax Appeal Board to conduct a meaningful comparative analysis of the comparables to the subject property. For example, the grid analysis did not disclose the comparables' exterior construction or features such as central air conditioning, fireplaces or garages. The Board gave reduced weight to board of review comparable #1 for its superior finished basement foundation when compared to the subject's unfinished basement. The Board finds the remaining four assessment comparables submitted by the board of review are similar when compared to the subject in location, dwelling size, design, age and most features. They have improvement

assessments ranging from \$46.94 to \$48.08 per square foot of living area. The subject property has an improvement assessment of \$50.91 per square foot of living area, which is greater than the most similar comparables in this record on a square foot basis. However, the Board finds the subject dwelling is smaller than these comparables and is superior to the comparables in some amenities and accepted real estate valuation theory provides, all other factors being equal, as the size of a property increases, its per unit value decreases. Likewise, as the size of a property decreases, its per unit value increases. Based on this analysis, the Board finds the subject's higher per square foot improvement assessment is well justified given its smaller size. Therefore, no reduction in the subject's improvement assessment is warranted.

The appellant also contends the market value of the subject property is not accurately reflected in its assessed valuation as an alternative basis of the appeal. 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 did not meet this burden of proof.

The record contains 11 comparable sales for the Board's consideration. The Board gave less weight to the appellant's comparables #1, #2, #3, #6, #8 and #9 for their older dwelling ages when compared to the subject. The Board also gave less weight to board of review comparable sale #1 that sold in 2014 which is dated and less likely to be indicative of the subject's market value as of the January 1, 2016 assessment. The Board finds the three remaining comparables submitted by the appellant, along with board of review comparable #2 are most similar to the subject in dwelling size, design, age and most features. These four comparables sold from June 2015 to June 2016 for prices ranging from \$705,000 to \$800,487 or from \$164.10 to \$176.50 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$799,793 or \$189.34 per square foot of living area including land, which falls within the overall price range but above the range established by the best comparable sales in the record on a price per square foot basis. However, the Board finds the subject is superior to the comparables in some amenities. After considering adjustments to the comparables for differences in dwelling size, age and features when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no 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



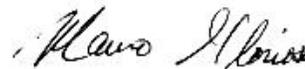
Member

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: October 15, 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

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