



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

APPELLANT: Denny Ruan & Ying Hong
DOCKET NO.: 16-01154.001-R-1
PARCEL NO.: 07-01-13-407-002-0000

The parties of record before the Property Tax Appeal Board are Denny Ruan & Ying Hong, 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: \$31,200
IMPR.: \$160,857
TOTAL: \$192,057

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 3,989 square feet of living area. The dwelling was constructed in 2010. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a 728 square foot garage. The property is located in 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 with limited descriptive information on 32 assessment comparables that are located within the same neighborhood as the subject. The comparables consist of 2-story dwellings ranging in size from 3,631 to 4,382 square feet of living area and were built from 2004 to 2015. Each comparable features a basement. The

comparables have improvement assessments ranging from \$130,712 to \$160,622 or from \$35.27 to \$36.78 per square foot of living area.

In support of the overvaluation claim, the appellant submitted a grid analysis of seven comparable sales located within .38 of a mile of the subject property. The comparables consist of 2-story dwellings ranging in size from 3,580 to 3,963 square feet of living area that were built in 2005 or 2006. Each comparable has a basement, central air conditioning, a fireplace and a garage ranging in size from 660 to 748 square feet of building area. The comparables sold from March 2015 to May 2016 for prices ranging from \$204,750 to \$491,116 or from \$54.72 to \$126.22 per square foot of living area, including land.

Based on the foregoing 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 \$192,057. The subject's assessment reflects a market value of \$577,441 or \$144.76 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 property has an improvement assessment of \$160,857 or \$40.33 per square foot of living area.

The board of review submitted a letter from the township assessor critiquing the appellant's evidence.

In support of its contention of the correct assessment, the board of review submitted information on three equity comparables and nine comparable sales located within the same neighborhood code as the subject. The three equity comparables consist of two-story dwellings of frame exterior construction ranging in size from 3,863 to 4,199 square feet of living area. The dwellings were built from 2005 to 2008. Each comparable has a basement with finished area. Additional features of each comparable include central air conditioning, one fireplace and a garage ranging in size from 699 to 814 square feet of building area. The comparables have improvement assessments ranging from \$155,106 to \$173,711 or from \$40.15 to \$41.37 per square foot of living area.

The nine comparable sales consist of two-story dwellings of frame exterior construction ranging in size from 3,588 to 4,492 square feet of living area. The dwellings were built from 2004 to 2015. Each comparable has a basement with two having finished area. Additional features of each comparable include central air conditioning, one or two fireplaces and a garage ranging in size from 693 to 827 square feet of building area. The comparables sold from February 2014 to May 2017 for prices ranging from \$521,395 to \$696,565 or from \$133.62 to \$185.80 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's counsel submitted a letter arguing board of review comparables #5 through #9 should be given less weight due to their dated 2014 sales that are too remote in time to the January 1, 2016 assessment date. Counsel also 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" and 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

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.

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 record contains 35 equity comparables for the Board's consideration. The Board finds these comparables are all relatively similar when compared to the subject in location, dwelling size, design and age. These properties have improvement assessments ranging from \$130,712 to \$173,711 or from \$35.27 to \$40.76 per square foot of living area. The subject property has an improvement assessment of \$160,857 or \$40.33 per square foot of living area, which falls within the range established by the equity comparables contained in the record. After considering adjustments to the comparables for any differences when compared to the subject, the Board finds the subject's improvement assessment is supported. Therefore, no reduction in the subject's assessment is warranted on this basis.

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 16 comparable sales for the Board's consideration. The Board gave less weight to appellant's comparables #2 through #4 which appear to be outliers when compared to the other sales in the record both in overall price and sale price per square foot. The Board also gave less weight to board of review comparables #1, #5, #6, #7, #8 and #9 based on their 2014 and 2017 sale dates that are less proximate in time to the subject's January 1, 2016 assessment date. Lastly, the Board gave less weight to board of review comparable #3 because it appears to be a new construction sale.

The Board finds the best evidence of market value to be the remaining comparables submitted by both parties. These six comparables sold proximate in time to the assessment date at issue and are similar to the subject in location, dwelling size, design, age and most features. These properties sold from July 2015 to May 2016 for prices ranging from \$433,000 to \$624,000 or from \$120.95 to \$148.37 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$577,441 or \$144.76 per square foot of living area including land, which falls within the range established by the best comparables sales in the record. After considering adjustments to the comparables for differences 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 on this basis.

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



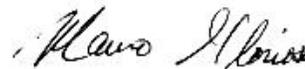
Member

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

AGENCY

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