



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

APPELLANT: Bupesh and Anita Saggar
DOCKET NO.: 16-06637.001-R-1
PARCEL NO.: 08-05-406-009

The parties of record before the Property Tax Appeal Board are Bupesh and Anita Saggar, the appellants, by attorney Jerri K. Bush, of Sandrick Law Firm, LLC in South Holland; and the DuPage 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 **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$66,140
IMPR.: \$50,000
TOTAL: \$116,140

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the DuPage 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 one-story single-family dwelling of frame exterior construction containing 2,277 square feet of living area. The dwelling was constructed in 1959. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 624-square foot garage. The property has a 42,201-square foot site and is located in Naperville, Lisle Township, DuPage County.

The appellants contend overvaluation and inequity in assessment with regard to land and improvement as bases of the appeal. In support of these arguments, the appellants submitted a grid analysis of eight comparable sales and one listing located within the same assessment neighborhood code as assigned to the subject by the local assessor. The appellant reported that the comparables are improved with one-story, two-story, part two-story/part one story or split-level dwellings ranging in size from 1,260 to 4,451 square feet of living area. The homes were

built from 1959 to 1974 on sites ranging in size from 18,056 to 76,009 square feet of land area. Each comparable features a basement with four having finished areas. Each home also has central air conditioning, one or two fireplaces and a garage ranging in size from 460 to 1,790 square feet of building area. The appellant reported that the sales of the comparables occurred from November 2015 to August 2017 for prices ranging from \$255,000 to \$381,000 or from \$71.48 to \$234.03 per square foot of living area, including land. The properties have improvement assessments ranging from \$44,940 to \$140,170 or from \$22.36 to \$37.45 per square foot of living area, and land assessments ranging from \$43,470 to \$71,220 or from \$.94 to \$2.49 per square foot of land area.

The appellants also submitted a grid analysis with limited information on six land comparables. These land comparables ranged in size from 35,337 to 76,009 square feet of land area. Their assessments ranged from \$53,490 to \$71,220 or from \$.94 to \$1.57 per square foot of land area. The appellants also submitted property information sheets for each of the six land comparables, along with Multiple Listing Service (MLS) sheets with photographs of each of the appellants' comparables as well as interior and exterior photographs of the subject dwelling.

Based on this evidence, the appellants requested that the subject's land assessment be reduced to \$51,267 or \$1.21 per square foot of land area; improvement assessment be reduced to \$48,723 or \$21.40 per square foot of living area; and total assessment be reduced to \$99,990, which would reflect an estimated market value of \$300,000 or \$131.75 per square foot of living area, including land, at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$129,380. The subject's assessment reflects an approximate market value of \$388,645 or \$170.68 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for DuPage County of 33.29% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$63,240 or \$27.77 per square foot of living area, and a land assessment of \$66,140 or \$1.57 per square foot of land area.

In support of its contention of the correct assessments for land and improvement, the board of review submitted information on three comparable properties located within .31 of a mile of the subject and in the same assessment neighborhood code as assigned by the local assessor to the subject property. The board of review comparables #2 and #3 were also utilized by the appellant as its comparables #1 and #2, respectively. The properties are improved with one-story or split-level frame or brick dwellings that range in size from 1,260 to 2,073 square feet of living area. The dwellings were constructed from 1960 to 1973. The comparables each feature a basement with one having finished area. Each home also has central air conditioning, one or two fireplaces, and a garage ranging in size from 220 to 1,306 square feet of building area. The sales of the comparables occurred from November 2015 to May 2016 for prices ranging from \$291,500 to \$390,000 or from \$188.13 to \$231.35 per square foot of living area, including land. The comparables have improvement assessments ranging from \$45,750 to \$62,880 or from \$30.33 to \$36.31 per square foot of living area, and land assessments ranging from \$50,960 to \$56,066 or from \$1.09 to \$2.20 per square foot of land area.

The board of review submission also included the subject's property record card, an overview map depicting the relative locations of the parties' comparables, and a plat map of land assessments noting that each lot is assessed per "site value" and that the subject's lot is assessed at 30% more due to being a double lot.

Based on this evidence, the board of review requested that the subject's assessment be confirmed.

Conclusion of Law

The taxpayers contend in part assessment inequity with regard to the improvement 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The parties' submission includes a total of ten improvement equity comparables with varying degrees of similarity to the subject property in location, dwelling size, and most features. The Board finds the best evidence of improvement assessment equity to be the appellants' equity comparables #6 and #9 as these homes are most like the subject dwelling in terms of location, dwelling size, and most features. However, these two comparables were constructed in 1974 and 1973, respectively, which is superior in age to the subject's 1959 construction year, thus requiring downward adjustment to these comparables to make them more equivalent to the subject property. These two dwellings have improvement assessments of \$51,500 and \$57,600 or 22.36 and \$24.94 per square foot of living area, respectively. The subject's improvement assessment of \$63,240 or \$27.77 per square foot of living area appears to be excessive based on the best equity comparables in this record. In addition to the subject's inferior age, the appellants described the subject's condition in their grid analysis to be "below average" when compared to the comparables depicted in the photographs attached to the MLS sheets in this record. The appellants' contention was supported by the interior and exterior photographs of the subject dwelling depicting the condition of the subject to appear dated and less well maintained compared to the upgraded interiors of the two best comparables in this record. This was not refuted by the board of review.

The Board gave less weight to the appellant's comparables #1, #2, #3, and #8, along with board of review comparables #2 and #3 based on their considerably dissimilar sizes of living area when compared to the subject. The Board also gave less weight to appellants' comparables #4, #5 and #7, along with board of review comparable #1, due to each of these properties having a finished basement, unlike the subject.

After considering appropriate adjustments to the comparables for differences in age and condition in order to more closely conform to the subject, the Board finds that the appellants have demonstrated by clear and convincing evidence that the subject's improvement is

inequitable assessed and, therefore, a reduction in the subject's improvement assessment is justified based on the evidence in this record.

With regards to the **land** assessment inequity claim, the Board finds the appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted. The appellants submitted six land equity comparables with property information sheets for each, and the board of review submitted three comparable properties as noted above which contain land information and land assessments. The Board gave less weight to the land comparables submitted by the appellants based on the lack of information as to whether these properties are located in the subject's neighborhood. Additionally, one land comparables' address is in a different city than the subject, which calls into question the similarity of this property to the subject. The Board finds that the three comparables submitted by the board of review which are each located in the subject's neighborhood code are the best evidence of land assessments in this record. These three comparables have land assessments ranging from \$1.09 to \$2.20 per square foot of land area. The subject's land assessment of 1.57 per square foot of land area falls within the range established by the best land comparables in this record. In addition, the board of review has indicated that each parcel in the subject's neighborhood code is assessed at "site value", and the subject is assessed slightly higher overall based on being a double lot which gives support to its higher overall land assessment. Based on the evidence in this record, the Board finds that the appellants did not demonstrate by clear and convincing evidence that the subject's land is inequitably assessed and, therefore, no reduction in the subject's **land** assessment is warranted.

The appellants also contend in part that 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). After an analysis of the sales data, and considering the reduction for assessment equity, the Board finds no further 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: May 26, 2020



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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