



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

APPELLANT: Mohan Gowda
DOCKET NO.: 18-01163.001-R-1
PARCEL NO.: 07-01-09-405-005-0000

The parties of record before the Property Tax Appeal Board are Mohan Gowda, the appellant, by attorney Dennis D. Koonce in Frankfort; 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: \$49,381
IMPR.: \$167,619
TOTAL: \$217,000

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 2018 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, brick and stone exterior construction with 4,385 square feet of living area.¹ The dwelling was constructed in 2003. Features of the home include a basement with finished area, central air conditioning, two fireplaces and a 4-car garage containing 1,178 square feet of building area. The property has an 11,375 square foot site and is located in Naperville, Wheatland Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on November 17, 2017 for a

¹ Counsel for the appellant failed to complete Section III – Description of the Property. The descriptive information for the subject property was drawn from the Multiple Listing Sheet (MLS) associated with the sale of the subject property provided by the appellant and the subject's property record card provided by the board of review. The MLS and property record card differ slightly as to the size of the subject dwelling. The Board finds the minor discrepancy will not affect the Board's decision.

price of \$650,999. The appellant's counsel reported that the subject property was purchased from Gregory Anderson, the parties to the transaction were not related and the property was advertised using a realtor. The appellant submitted a copy of the Multiple Listing Service (MLS) sheet depicting the property had been listed for 18 days. In further support of the appeal, the appellant provided a copy of the settlement statement disclosing the sellers were Gregory J. and Christine Harris and reiterated the purchase price, date and depicting broker's fees were distributed to two entities. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$222,750. The subject's assessment reflects a market value of \$668,718 or \$152.50 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Will County of 33.31% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a letter from the Wheatland Township Assessor along with a copy of the subject's property record card and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject property. The PTAX-203 disclosed the sale date and sale price noting the transfer occurred via Warranty Deed and the property was advertised prior to the sale transaction. The assessor acknowledged that the subject property was purchased in November 2017 for \$650,999. In light of this, the assessor proposed to stipulate for 2018 based on the 2017 purchase price of \$650,999 plus the 2018 equalization factor of 1.0265 resulting in an assessment of \$222,750. Counsel for the appellant declined this offer. The Will County Board of Review agreed with the assessor's proposal and reduced the 2018 assessment to \$222,750. Based on this evidence, the board of review requested the subject's assessment be confirmed.

With respect to the appellant's overvaluation claim, the board of review presented no other evidence to support the assessment of the subject property.

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 finds the best evidence of market value to be the purchase of the subject property in November 2017 for a price of \$650,999. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant disclosed the parties to the transaction were not related and the property had been advertised on the open market through the Multiple Listing Service. In further support of the transaction, the appellant submitted a copy of the settlement statement. Furthermore, the board of review provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's sale. The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of

the subject's sale transaction. In addition, the assessing officials did not refute the contention that the purchase price was reflective of market value. The Board finds the subject's purchase price of \$650,999 is below the market value of \$668,718 as reflected by the assessment. Furthermore, the Board finds the board of review did not provided any market value evidence, such as recent comparable sales, to support the subject's assessment. Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment commensurate with the appellant's request 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: November 17, 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

AGENCY

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