



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

APPELLANT: Jitendra T. & Varsha J. Shah
DOCKET NO.: 18-02971.001-R-1
PARCEL NO.: 07-01-11-113-007-0000

The parties of record before the Property Tax Appeal Board are Jitendra T. & Varsha J. Shah, the appellants, 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 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: \$65,768
IMPR.: \$159,519
TOTAL: \$225,287

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 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 exterior construction with 4,099 square feet of living area. The dwelling was constructed in 2004. Features of the home include an unfinished basement, central air conditioning, a fireplace and an 824 square foot garage. The property is located in Naperville, Wheatland Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on six comparable sales located from .63 to .92 of a mile from the subject property. The comparables are improved with two-story dwellings ranging in size from 3,676 to 4,201 square feet of living area. The dwellings were built from 1994 to 2005. Each comparable has a basement, central air conditioning, a fireplace and a garage that ranges in size from 519 to 737 square feet of building area. The appellants did not disclose the exterior construction of the dwellings or if they have finished basements. The properties sold from July

2017 to June 2018 for prices ranging from \$399,900 to \$692,500 or from \$104.96 to \$164.84 per square foot of living area, land included. Based on this evidence, the appellants requested a reduction in the subject's assessment to \$172,846 reflecting a market value of approximately \$518,590 or \$126.52 per square foot of living area including land, when using 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 \$250,380. The subject's assessment reflects a market value of \$751,666 or \$183.38 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 memorandum prepared by the Wheatland Township Assessor critiquing the comparables submitted by the appellants. The assessor argued that none of the appellants comparables were located in the subject's subdivision and that comparable #1 is an older home; comparable #2 is not a custom home; comparable #4 is an older home that is 489 square feet smaller than the subject; and comparable #6 is an older home.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales identified by the township assessor and are located from .05 of a mile to 1.44 miles from the subject property, three of which are within the subject subdivision. The comparables are improved with two-story dwellings of frame or frame and brick exterior construction ranging in size from 3,861 to 4,403 square feet of living area. The dwellings were built from 2003 to 2007. Each dwelling features a basement with four having finished area. The comparables have central air conditioning and a garage that ranges in size from 626 to 783 square feet of building area. Five comparables each have one or two fireplaces. The properties sold from May 2016 to October 2018 for prices ranging from \$615,000 to \$890,143 or from \$139.68 to \$215.24 per square foot of living area, land included. Also submitted were copies of the property record cards of the subject and comparables #1, #2 and #3. Based on this evidence, the board of review requested no change to the subject's assessment.

In written rebuttal, counsel for the appellants critiqued three comparables submitted by the board of review. Counsel argued that board of review comparable sales #1 and #2 occurred in 2016 which is too remote in time to establish market value as of January 1, 2018. In a rebuttal grid analysis, counsel reiterated that the appellants' six comparables and board of review comparable #3 are the best comparable sales in the record and contended the subject's assessment should be reduced.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains twelve suggested comparable sales for the Board's consideration. The Board gave less weight to board of review comparable sales #1 and #2 with sale dates occurring in 2016 which are dated and less likely to be indicative of the subject's market value as of the January 1, 2018 assessment date. The Board also gave less weight to board of review comparables #4, #5 and #6 due to their distant locations from the subject being more than one mile away.

The Board finds the best evidence of market value to be the six comparable sales provided by the appellant, along with board of review comparable sale #3. These comparables are relatively similar to the subject in location, dwelling size, design, age and features. The properties sold from July 2017 to October 2018 for prices ranging from \$399,900 to \$692,500 or from \$104.96 to \$164.84 per square foot of living area, including land. The subject's assessment reflects a market value of \$751,666 or \$183.38 per square foot of living area, land included, which falls above the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis which does not appear to be justified after considering adjustments to these comparables for differences when compared to the subject. Based on this record, the Board finds a 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: January 19, 2021



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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