



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

APPELLANT: Pratik Shah
DOCKET NO.: 19-00135.001-R-1
PARCEL NO.: 07-01-12-109-004-0000

The parties of record before the Property Tax Appeal Board are Pratik Shah, the appellant, by Dennis D. Koonce, Attorney at Law 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 **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: \$46,141
IMPR.: \$126,509
TOTAL: \$172,650

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 2019 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 4,387 square feet of living area. The dwelling was constructed in 2003. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 696 square foot garage. The property has a 5,950 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 May 14, 2018 for a price of \$385,000. The appellant completed Section IV – Recent Sale Data disclosing the transaction was not between family members or related corporations, that the subject was sold by a Realtor and was advertised in the Multiple Listing Service (MLS) for a period of 98 days. The appellant submitted the subject's MLS listing sheet which disclosed the transaction as a short sale. The settlement statement submitted by the appellant reported commissions were paid to real estate

agents. 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 \$172,650. The subject's assessment reflects a market value of \$517,381 or \$117.94 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Will County of 33.37% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with two-story dwellings that range in size from 4,143 to 4,451 square feet of living area. The dwellings were built from 2003 to 2005. Each home has an unfinished basement, central air conditioning, one fireplace and a garage ranging in size from 620 to 684 square feet of building area. The comparables have sites that range in size from 6,650 to 11,592 square feet of land area and are located within 0.27 of a mile from the subject property. The sales occurred from June 2018 to May 2019 for prices ranging from \$506,800 to \$560,000 or from \$118.29 to \$128.21 per square foot of living area, land included.

The board of review submission also includes a signed stipulation in which the appellant and the township assessor settled the 2019 appeal before the board of review reducing the subject's assessment to \$172,650. The stipulation provided the appellant further waive his right to file additional appeals to the Property Tax Appeal Board or the courts for the 2019 tax year.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, the Board finds the best evidence of market value in the record to be the three comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, construction, features, age and dwelling size. The comparables sold from June 2018 to May 2019 for prices ranging from \$506,800 to \$560,000 or from \$118.29 to \$128.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$517,381 or \$117.94 per square foot of living area, including land, which falls within the overall value range and slightly below the range on a per square foot basis established by the comparable sales in this record. The Board gave little weight to the subject's sale due to the short sale status which calls into question whether the sale price was a true reflection of market value.

Additionally, the Board finds the record contains a signed agreement between the appellant and the township assessor settling the assessment complaint before the Will County Board of Review for the 2019 tax year at \$172,650. The agreement specifies that the appellant waived any further right to appeal to the Property Tax Appeal Board or the Courts for the 2019 tax year. Nevertheless, the appellant appealed the decision issued by the board of review based on the

stipulation, which appears to be in violation of the language and spirit of the agreement/stipulation.

Based on this record the Board finds the subject's assessment of the subject property as established by the board of review is correct and a reduction in the subject's assessment is not justified.

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: June 8, 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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