



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

APPELLANT: Sinee Paungam
DOCKET NO.: 08-00226.001-R-1
PARCEL NO.: 07-01-09-413-033-0000

The parties of record before the Property Tax Appeal Board are Sinee Paungam, the appellant; and the Will County Board of Review.

Based on the facts and exhibits presented, 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: \$35,000
IMPR.: \$59,701
TOTAL: \$94,701

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a five year-old, one-story brick and frame dwelling that contains 1,592 square foot of living area. Features of the home include central air conditioning, a two-car garage and a partial basement with 885 square feet of finished area. The subject is located in Naperville, Wheatland Township, Will County.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument, the appellant submitted a settlement statement documenting the subject's sale in March 2008 for \$284,900. The appellant's petition indicated the parties to this transaction were not related, it was advertised for sale through multiple listing and that it was sold through a realtor after six months on the market. In further support of the overvaluation contention, the appellant submitted data sheet and a grid analysis of three comparable sales, two of which are located near the subject. The comparables were described as one, one-story brick and frame townhome and two, two-story brick and frame townhomes. These

properties were built in 1997 or 2003, range in size from 1,471 to 1,963 square feet of living area and have features that include central air conditioning, two-car garages and full or partial basements, two of which have finished areas of 1,006 and 1,721 square feet. Two comparables have a fireplace. The comparables were reported to have sold between July 2007 and October 2008 for prices ranging from \$285,000 to \$315,500 or from \$160.72 to \$185.30 per square foot of living area including land.

In support of the inequity argument, the appellant submitted assessment information on the same three comparables used to support the overvaluation contention. The comparables had improvement assessments ranging from \$66,535 to \$67,830 or from \$38.68 to \$46.08 per square foot of living area. Based on this evidence the appellant requested the subject's improvement assessment be reduced to \$51,568 or \$32.39 per square foot of living area and its total assessment be reduced to \$86,658, reflecting a market value of approximately \$259,974.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$107,270 was disclosed. The subject has an estimated market value of approximately \$322,714 or \$202.71 per square foot of living area including land, as reflected by its assessment and the Will County 2008 three-year median level of assessments of 33.24%.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a letter prepared by the township assessor, property record cards, a grid analysis of three comparable properties located in the subject's subdivision and a grid of the appellant's comparables. The board of review's comparables consist of one-story style brick and frame dwellings that were built between 2004 and 2006 and contain 1,353 or 1,592 square foot of living area. Features of the comparables include central air conditioning, two-car garages and partial basements with finished areas ranging from 724 to 996 square feet. The comparables sold between November 2005 and February 2007 for prices ranging from \$354,700 to \$396,040 or from \$227.70 to \$262.15 per square foot of living area including land.

In support of the subject's improvement assessment, the board of review submitted assessment information on the three comparables used to support the subject's estimated market value. The comparables had improvement assessments ranging from \$63,660 to \$72,270 or from \$42.11 to \$47.05 per square foot of living area.

The assessor's letter stated the appellant's comparables #2 and #3 were two-story homes, dissimilar to the subject's one-story design. The letter also claimed the appellant purchased the subject at a Sheriff's sale in October 2007 and that the subject was foreclosed upon by a bank the prior month for \$324,900, which the assessor claimed is "more than the appellant is assessed at currently." The board of review submitted no evidence to demonstrate that the subject's March 2008 sale for \$284,900 was

not an arm's-length transaction. Based on this evidence, the board of review requested the subject's assessment be confirmed.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject property's assessment is warranted.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted a settlement statement documenting the subject's sale in March 2008 for \$284,900. The appellant indicated the sale was not between related parties, but that the subject was advertised for sale for six months and sold through a realtor. Thus, this sale of the subject appears to have the elements of an arm's length transaction. The board of review submitted no evidence to refute the appellant's evidence.

The parties also submitted six comparable sales that sold for prices ranging from \$285,000 to \$396,040 or from \$160.72 to \$262.15 per square foot of living area including land. The Property Tax Appeal Board finds the best evidence in this record of the subject's market value is the subject's March 2008 sale for \$284,900. Since market value has been established, the 2008 Will County three-year median level of assessments of 33.24% shall apply.

The appellant also argued unequal treatment in the assessment process as a basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The Property Tax Appeal Board finds no further reduction in the subject's improvement assessment is warranted beyond that granted pursuant to the appellant's successful overvaluation contention, as the subject's improvement assessment ultimately falls within the range of the equity comparables in this record.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerbis

Member

DISSENTING: _____

C E R T I F I C A T I O N

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: April 22, 2011

Allen Castrovillari

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 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 the subsequent year 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.

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.