



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

APPELLANT: Sue Bisconti
DOCKET NO.: 08-00281.001-R-1
PARCEL NO.: 07-01-12-109-007-0000

The parties of record before the Property Tax Appeal Board are Sue Bisconti, 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: \$42,500
IMPR: \$131,500
TOTAL: \$174,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story frame dwelling containing 4,485 square feet of living area that was built in 2003. Amenities include an unfinished basement, central air conditioning, a fireplace, and a 662 square foot attached garage. The subject dwelling is situated on a 7,750 square foot lot. The subject property is located in Naperville, Wheatland Township, Will County.

The appellant submitted evidence before the Property Tax Appeal Board claiming both overvaluation and unequal treatment in the assessment process as the bases of the appeal. The subject's land assessment was not contested. In support of these arguments, the appellant submitted photographs, property record cards and analysis detailing sales and assessment information for six suggested comparables. Comparables 1 through 5 are located in various subdivisions up to 1.5 miles from the subject. Comparable 6 is located in close proximity within the subject's subdivision.

The comparables consist of two-story frame, brick or brick and frame dwellings that were built from 1988 to 2007. The comparables have full or partial basements, central air

conditioning, one or two fireplaces and garages that contain from 629 to 1,258 square feet. The dwellings range in size from 3,977 to 4,700 square feet of living area. The comparables sold from December 2006 to April 2008 for prices ranging from \$505,000 to \$547,500 or from \$116.49 to \$135.52 per square foot of living area including land.

The comparables have improvement assessments ranging from \$88,930 to \$194,304 or from \$21.69 to \$47.26 per square foot of living area including land. The subject property has an improvement assessment of \$150,600 or \$33.58 per square foot of living area.

The appellant argued comparables 1 through 5 are custom built homes that are superior to the subject. Pointing to their photographs and property record cards, the appellant argued these properties have superior features when compared to the subject in terms of brick exteriors, variable roof lines, bay windows, concrete driveways, and ceramic or hardwood flooring. The appellant argued the custom built homes sold for less than the subject's estimated market value as reflected by its assessment. The appellant argued comparable 6, which is located in the subject's subdivision, is a similar track built home like the subject. It sold in August 2007 for \$547,500 or \$116.49 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

Under questioning, it was noted the custom built homes submitted by the appellant sold for less than the track build home located in the subject's subdivision. In addition four comparables are located over one mile from the subject.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$193,100 was disclosed. The subject's assessment reflects an estimated market value of \$580,927 or \$129.53 per square foot of living area including land using Will County's 2008 three-year median level of assessment of 33.24%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal prepared by the township assessor, property record cards, photographs, and sales and assessment date for six suggested comparable properties. The Wheatland Township Assessor was present at hearing for direct and cross-examination regarding the evidence she prepared.

In support of the subject's assessment, the assessor submitted six suggested comparables located within the subject's subdivision. The comparables consist of two-story frame dwellings that were built in 2005. The comparables have unfinished basements, one fireplace, central air conditioning and two or three car attached garages. Comparable 4 was a former model home displayed to sell similar dwellings. The dwellings range in size from 4,309 to 4,596 square feet of living area. The comparables sold from May 2005 to August 2006 for prices

ranging from \$503,085 to \$622,883 or from \$111.26 to \$141.05 per square of living area including land.

The comparables have improvement assessments ranging from \$139,110 to \$171,980 or from \$32.28 to \$38.26 per square foot of living area. The board of review argued the subject improvement assessment of \$150,600 or \$33.38 per square foot of living area is equitable with similar situated properties.

With respect to appellant's comparable 6, the township assessor opined this sale price did not reflect fair market value and is less than its true cash value. The assessor opined the 2007 sale price of \$547,500 was an anomaly after reviewing sale transactions that occurred after 2007. However, no sales data was submitted to the Property Tax Appeal Board to consider that occurred subsequent to 2007 to support the assessor's testimony.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued the comparables used by the assessor should not be considered due to their 2005 and 2006 sale dates.

After hearing the testimony 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's assessment is warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

With respect to the comparables sales submitted by both parties, the Board gave less weight to the comparables submitted by the board of review. These suggested comparable sales occurred in 2005 and 2006, which are considered less indicative of the subject's fair cash value as of the January 1, 2008 assessment date at issue in this appeal.

The Board finds comparables 1 through 5 submitted by the appellant are located up to 1.5 miles from the subject and are located in different subdivisions that the subject, but sold more proximate to the January 1, 2008 assessment date at issue in this appeal. The Board finds these sales lend further support that the subject property is overvalued. They sold for prices ranging from \$505,000 to \$546,000. The subject's assessment reflects an estimated market value of \$580,927, which is higher than these sales.

The Board finds comparable sale 6 submitted by the appellant is most similar to the subject in location, age, size, style, features. This sale occurred more proximate to the subject's

January 1, 2008 assessment date at issue in this appeal. It sold in August 2007 for \$547,500 or \$116.58 per square of living area including land. The subject's assessment reflects an estimated market value of \$580,927 or \$129.53 per square foot of living area including land, which is higher than the most similar comparable sale in this record. After considering adjustments for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is excessive and a reduction is warranted.

The appellant also argued unequal treatment in the assessment process. 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.

The Board finds the parties submitted 12 suggested assessment comparables to support their respective positions regarding whether the subject improvements were equitably assessed. After considering the subject's assessment reduction granted based on the appellant's overvaluation claim, the Board finds the subject property is uniformly assessed and no further reduction is warranted based on the principals of uniformity.

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.