



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

APPELLANT: Syed T. Sohail  
DOCKET NO.: 09-04745.001-R-1  
PARCEL NO.: 07-27-209-004

The parties of record before the Property Tax Appeal Board are Syed T. Sohail, the appellant; and the DuPage 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 DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$31,180  
**IMPR.:** \$51,970  
**TOTAL:** \$83,150

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single family dwelling of brick and frame exterior construction that contains 1,820 square feet of living area and was built in 1995. Features of the home include central air conditioning, one fireplace, a concrete slab foundation and a two-car attached garage. The subject has a 6,270 square foot site and is located in Naperville, Naperville Township, DuPage County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation and assessment equity as the basis of the appeal. In support of the arguments, the appellant provided evidence indicating the subject property was listed for sale, an article of the Naperville Township Real Estate Market, copies of 24 realtor business cards, an article on jump starting the economy, photographs and sale and assessment data on four comparables located within the same subdivision as the subject property. The appellant also submitted copies of Multiple Listing Service sheets for the comparable sales and the subject property.

The subject property was listed for sale in the open market beginning June 6, 2009 with the original listing price of \$250,000. During the time period the subject was listed for sale, the listing price was lowered to \$249,000 and that was the final listing price when the subject property was removed from the market after 88 days.

The comparables were improved with two-story single family dwellings that ranged in size from 1,458 to 1,834 square feet of living area. The dwellings were of frame and brick or frame construction and were built from 1993 to 1995. Other features include central air conditioning and a two or three-car attached garage. Two comparables have one fireplace and three comparables have basements ranging in size from 609 to 725 square feet with one being finished. One comparable is on concrete slab foundation. The comparables sold from December 2008 to September 2009 for prices ranging from \$250,000 to \$260,000 or from \$136.31 to \$172.15 per square foot of living area, including land.

The comparables have improvement assessments that range from \$58,610 to \$72,350 or from \$37.26 to \$43.17 per square foot of living area. The comparables are situated on lots that range in size from approximately 7,437 to 13,951 square feet of land area and have land assessments ranging from \$27,270 to \$34,100 or from \$2.44 to \$4.33 per square foot of land area. The subject property has a land assessment of \$31,180 or \$4.98 per square foot of land area. Based on this evidence the appellant requested the subject's assessment be reduced to \$80,000.

During the hearing, the appellant testified that his primary argument was overvaluation based on having the subject property listed for sale in 2009. The appellant also testified that he listed the property for sale with a realtor because at the time was unemployed. The appellant agreed to keep the property on the market for 90 days and testified that a lot of people visited the property. The appellant removed the property from the market because there were no written offers presented for potential purchase.

Under cross examination the appellant testified that the business cards submitted were from realtor/brokers that had brought prospective clients to view the subject property and not from an open house for realtor/brokers.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$96,950 was disclosed. The subject's assessment reflects a market value of \$291,491 or \$160.16 per square foot of living area, including land, when using the 2009 three year average median level of assessments for DuPage County of 33.26%.

In support of the subject's assessment, the board of review submitted correspondence from the Naperville Township assessor's office that addresses various aspects of the appeal. Additionally, the board of review submitted the subject's

property record card, a photograph of the subject property and a grid analysis of both the appellants and assessor's comparables. A map showing the subject's location was also included. The board of review submitted six suggested comparables, in which their Comparable 3 is the same property as the appellant's Comparable 4. The comparables consist of two-story dwellings of frame or brick and frame exterior construction that ranged in size from 1,574 to 2,004 square feet of living area. The dwellings were built from 1993 to 2005. Each comparable has central air conditioning, a two-car garage and no basement. One of the comparables has a fireplace. These properties sold from March 2008 to September 2009 for prices ranging \$250,000 to \$303,500 or from \$143.46 to \$176.41 per square foot of living area, including land.

The comparables have improvement assessments that range from \$58,610 to \$72,240 or from \$34.81 to \$37.23 per square foot of living area. The subject's improvement assessment is \$65,770 or \$36.13 per square foot of living area. The board of review did not disclose lot sizes for the six suggested comparables. The subject's land assessment is \$31,180 and located on a cul de sac. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under cross examination, Deputy Assessor Ken Jackson testified that the land is valued on site basis and that slight adjustments are given for corner or busy street lots. There is no set dollar amount for the adjustments. The lots have assessments that range from \$27,270 to \$31,180 per site basis, depending on location.

When questioned about the upper limit of value, Deputy Assessor Ken Jackson agreed that the listing price sets the upper limit of value.

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 the 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant has overcome this burden. The Illinois Supreme Court defined fair cash value as "what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready willing and able to buy but not forced to do so." Springfield Martine Bank v Property Tax Appeal Board, 44 Ill.2d. 428, 430 (1970). Furthermore, section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between

a willing buyer and a willing seller. (35 ILCS 200/1-50)

The Board finds the appellant submitted a Multiple Listing Service sheet disclosing that the subject property had been listed in the open market for 88 days during 2009. The original list price was \$250,000 and later reduced to \$249,000 before being removed from the market. The appellant also submitted four comparable sales to support further support the overvaluation claim. The board of review submitted six suggested sales to demonstrate its assessment on the subject property is reflective of Fair Market Value.

The Property Tax Appeal Board finds the subject's listing price of \$250,000 in June 2009, which is more proximate to the subject's January 1, 2009 assessment date, sets the upper limit of value for the subject property. The subject's assessment reflects an estimated market value of \$291,491. which is higher than its listing price. Therefore a reduction is warranted.

The Board further finds that nine suggested comparable sales were submitted by both parties with varying degrees of similarity. The properties sold from March 2008 to September 2009 for sale prices ranging from \$250,000 to \$303,500 or from \$136.31 to \$176.41 per square feet of living area, including land. The subject property's listing price of \$250,000 or \$137.36 per square foot of living area, including land, falls within this range. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is excessive and a reduction in justified.

The appellant argued the subject property was not uniformly assessed. 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 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.



Chairman



Member



Member



Member



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: August 28, 2012



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.