



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

APPELLANT: Felix & Patricia Smith, Jr.  
DOCKET NO.: 10-00673.001-R-1  
PARCEL NO.: 07-01-14-112-019-0000

The parties of record before the Property Tax Appeal Board are Felix & Patricia Smith, Jr., the appellants, by attorney Thea Meehan Armstrong, in Naperville, and the Will County Board of Review.

Based on the facts and exhibits presented, 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:** \$42,761  
**IMPR:** \$158,597  
**TOTAL:** \$201,358

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a 15-year old, two-story dwelling of frame (Dryvit) exterior construction containing 3,800 square feet of living area. Features include a basement with finished area, central air conditioning, a fireplace and a three-car garage. The property is located in Naperville, Wheatland Township, Will County.

The appellants' appeal is based on overvaluation of the subject property. In support of this market value argument, the appellants submitted a grid analysis of three sales comparables reported to be within the subject's subdivision along with applicable Multiple Listing Service sheets and a brief prepared by counsel. The comparables are improved with two-story frame (Dryvit) or cedar and brick exterior constructed dwellings that are 15 or 16 years old. The comparables range in size from 3,510 to 4,100 square feet of living area. Each comparable has a basement, two of which include finished area, central air conditioning, a fireplace and a three-car garage. The properties had reported marketing times ranging from 281 to 561 days. The sales occurred from May 2009 to October 2009 for prices ranging

from \$500,000 to \$620,000 or from \$142.50 to \$151.22 per square foot of living area, including land.<sup>1</sup>

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$183,095 which would reflect a market value of approximately \$549,285 or \$144.55 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$201,358 was disclosed. The subject's assessment reflects an estimated market value of \$605,770 or \$159.41 per square foot of living area, including land, using the 2010 three-year median level of assessments for Will County of 33.24%.

The board of review presented a letter along with evidence prepared by Kelli Lord, Wheatland Township Assessor. As to the appellants' comparables, Lord asserted that comparable #2 was not located in the subject's subdivision and therefore, "is not useable." Appellants' comparables #1 and #3 depict "two very low comparables out of all the sales" in the subdivision according to Lord and thus do not reflect a true showing of the sales in the neighborhood.

In support of the subject's estimated market value based on its assessment, Lord presented a three-page spreadsheet of eight comparable sales in the subject's neighborhood code as assigned by the assessor. The comparables consist of two-story frame dwellings that were 14 or 15 years old. The dwellings range in size from 3,711 to 3,854 square feet of living area. Each dwelling has a basement, central air conditioning, a fireplace and a three-car garage. The comparables sold between June 2007 and July 2009 for prices ranging from \$645,000 to \$762,000 or from \$167.35 to \$198.33 per square foot of living area, including land.

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

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's assessment is not warranted.

The appellants contend the assessment of the subject property is excessive and not reflective of its market value. 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

<sup>1</sup> Counsel for the appellants also performed an analysis whereby the recent sale prices were imputed to the assessments and thereby suggested that each of the comparable sale properties was over assessed. The jurisdiction of the Property Tax Appeal Board is limited to determining the correct assessment of the subject property. Thus, counsels additional analysis will not be further addressed on this record.

Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of eleven comparable sales for the Board's consideration. The Board has given less weight to board of review comparable sales which occurred in 2007 and 2008 since the assessment date at issue for this appeal is January 1, 2010. The Board finds that sales most proximate in time to the assessment date would be more indicative and reliable indicators of the subject's estimated market value.

Thus, the Board finds the appellants' three comparables along with two board of review sales that occurred in 2009 are most relevant to estimating the subject's market value and moreover, these comparables were similar to the subject in size, design, exterior construction, location and/or age. Due to their dates of sale and similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between May 2009 and October 2009 for prices ranging from \$500,000 to \$697,500 or from \$142.50 to \$187.60 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$605,770 or \$159.41 per square foot of living area, including land, which falls within the range established by the 2009 sales data and the most similar comparables both in terms of overall value and on a per square foot basis. After considering the most recent comparable sales on this record, the Board finds the appellants did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

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: April 19, 2013

*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.