FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Jethanand Ratna Daryanani
DOCKET NO.: 10-00677.001-R-1
PARCEL NO.: 07-01-03-115-022-1005

The parties of record before the Property Tax Appeal Board are Jethanand Ratna Daryanani, 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:	$17,399
IMPR.:	$43,439
TOTAL:	$60,838

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 7-year old, two-story townhome of frame exterior construction containing 1,271 square feet of living area. Features include central air conditioning and a two-car garage. The property is located in Woodridge Condos neighborhood of Naperville, Wheatland Township, Will County.

The appellant's appeal is based on both overvaluation and lack of assessment uniformity. In support of these arguments, the appellant's counsel submitted a grid analysis of three sales comparables along with assessment data. The comparables are reported to be within the subject's neighborhood code assigned by the assessor. The comparables are improved with two-story frame townhomes that are 7 years old. The comparables range in size from 1,138 to 1,396 square feet of living area. Each comparable has central air conditioning and a two-car garage. The properties have improvement assessments ranging from $39,025 to $46,781 or from $33.51 to $34.29 per square foot of living area. The subject has an improvement assessment of $43,439 or $34.18 per square foot of living area. The comparables sold between

August 2008 and September 2009 for prices ranging from $161,000 to $180,000 or from $128.94 to $141.48 per square foot of living area, including land.[1]

Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to $37,678 or $29.64 per square foot of living area. This request also reflected a total assessment of $55,077 which would reflect a market value of approximately $165,231 or $130.00 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 $60,838 was disclosed. The subject's assessment reflects an estimated market value of $183,026 or $144.00 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 only comparable #2 appeared to be a "valid" sale, but it was extremely low. She contended that comparable #1 was a Sheriff's sale[2] and comparable #3 was a bank sale with a Special Warranty deed. Lord further stated that appellant's comparables were "different models" than the subject.

In support of the subject's estimated market value based on its assessment, Lord presented a two-page spreadsheet of six comparable sales in the subject's neighborhood code as assigned by the assessor along with assessment data. The comparables consist of two-story frame townhomes that were 7 to 11 years old. The townhouses each contain 1,271 square feet of living area. Each home has central air conditioning and a two-car garage. The properties have improvement assessments ranging from $42,898 to $48,216 or from $33.75 to $37.93 per square foot of living area. The comparables sold between August 2007 and November 2009 for prices ranging from $189,000 to $237,200 or from $148.70 to $186.62 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

[1] Counsel for the appellant 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, counsel's additional analysis will not be further addressed on this record.

[2] In the assessor's submission, she reported that appellant's comparable #1 sold in April 2009 for $94,251 whereas the appellant reported a sale of this property from September 2009 for $169,900.

parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

The appellant contends 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 Ill.App.3d 1038 (3rd 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 nine comparable sales for the Board's consideration. The Board has given less weight to appellant's comparables #2 and #3 because these properties differed from the subject in dwelling size and because there are seven comparables identical in size to the subject, which would be the more similar properties for comparison. The Property Tax Appeal Board has also given less weight to three 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 more 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 appellant's comparable #1 along with three comparables presented by the board of review, which sold in 2009 and are most relevant to estimating the subject's market value. 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 June 2009 and November 2009 for prices ranging from $169,900 to $200,000 or from $133.67 to $157.35 per square foot of living area, including land. The subject's assessment reflects a market value of approximately $183,026 or $144.00 per square foot of living area, including land, which falls within the range established by the most similar comparables both in terms of overall value and on a per square foot basis. After considering the most recent comparable sales in this record, the Board finds the appellant 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.

The appellant also contends unequal treatment in the subject's improvement assessment as a basis of the appeal. 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 parties submitted a total of nine equity comparables for the Board's consideration. As addressed above, the most similar properties are those which contain the same living area square footage as the subject. Thus, the Board has given less weight to appellant's comparables #2 and #3. The Board finds the remaining seven comparables submitted by both parties were most similar to the subject in location, size, style, exterior construction, features and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from $33.75 to $37.93 per square foot of living area. The subject's improvement assessment of $34.18 per square foot of living area is within this range and appears well supported by two of the board of review's comparables which are identical to the subject. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the appellant disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction is warranted.

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: April 19, 2013

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.