



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

APPELLANT: William Fang
DOCKET NO.: 11-03674.001-R-1
PARCEL NO.: 08-17-417-004

The parties of record before the Property Tax Appeal Board are William Fang, the appellant, by attorney Laura Godek of Laura Moore Godek, PC in McHenry; 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: \$74,170
IMPR.: \$126,390
TOTAL: \$200,560

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of frame and brick construction with 3,692 square feet of living area. The dwelling was constructed in 1998. Features of the home

include a full unfinished basement, central air conditioning, a fireplace and a three-car garage. The property has an 11,112 square foot site and is located in Naperville, Lisle Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted two appraisals. The first appraisal estimated the subject property had a market value of \$590,000 as of August 18, 2010 and the second appraisal estimated the subject property had a market value of \$605,000 and of May 13, 2011. In addition, the appellant submitted a grid analysis of the comparables presented in the appraisals.

Based on this information, the appellant requested the subject's assessment be reduced to \$196,647.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$221,670. The subject's assessment reflects a market value of \$668,688 or \$181.12 per square foot of living area, land included, when using the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

As to the appellant's first appraisal, the board of review argued the appraisal's effective date was four and one-half months prior to the assessment valuation date of January 1, 2011. The board of review did not address or refute the appellant's second appraisal's opinion of value for the subject.

In support of its contention of the correct assessment the board of review submitted information on eight comparable sales. The board of review's comparables #1 and #2 were the same properties used in the appellant's second appraisal as comparables #4 and #3, respectively. The board of review's comparables #4 and #5 were the same properties used in the appellant's first appraisal as comparables #3 and #1, respectively.

Under rebuttal, the appellant submitted a letter criticizing the board of review's comparables and submitted Multiple Listing Service (MLS) sheets as evidence of the superiority of their comparables.

Conclusion of Law

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. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

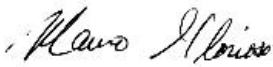
The Board finds the best evidence of market value to be the second appraisal submitted by the appellant estimating the subject property had a market value of \$605,000 as of May 13, 2011. The Board gave less weight to the appellant's first appraisal due to the sale dates of the comparables occurring more distant in time from the assessment date than the sales selected in the appellant's second appraisal. The Board gave less weight to the board of review's comparables, as these sales were not adjusted for differences when compared to the subject. Furthermore, four of the comparables used by the board of review were also used by the appellant's appraisers. In addition, the board of review's comparables #7 and #8 occurred greater than 20 months prior to the January 1, 2011 assessment date at issue. The subject's assessment reflects a market value of \$668,688, which is above the appraised value stated in the appellant's second appraisal. The Board finds the subject property had a market value of \$605,000 as of the assessment date at issue. Since market value has been established the 2011 three year average median level of assessments for DuPage County of 33.15% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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 24, 2015



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.