



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

APPELLANT: Zheng Chen
DOCKET NO.: 12-04198.001-R-1
PARCEL NO.: 08-15-105-316

The parties of record before the Property Tax Appeal Board are Zheng Chen, the appellant, by attorney Jerri K. Bush in Chicago, 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: \$4,040
IMPR.: \$11,020
TOTAL: \$15,060

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 2012 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 one-story residential condominium unit in a building of brick exterior construction with 770 square feet of living area. The building was constructed in 1980. Features of the unit include a central air

conditioning¹ and a fireplace. The property is located in Lisle, Lisle Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 13, 2011 for a price of \$45,200. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$27,070. The subject's assessment reflects a market value of \$81,242 or \$105.51 per square foot of living area, land included, when using the 2012 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

In response to the appellant's recent purchase price, the board of review asserted the sale was a "foreclosure/REO." In support of this contention, the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration depicting that the subject property was advertised prior to its sale and that the "seller is a government agency." The sale occurred in March 2011 for \$45,200 according to the document.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales of units that range in size from 730 to 770 square feet of living area. Four of the comparables have a fireplace and none are recorded as having air conditioning. The sales occurred between April 2009 and June 2011 for prices ranging from \$56,905 to \$110,000.

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

In written rebuttal, counsel for the appellant reiterated the facts that reflect the subject's transaction was arm's length and should be accepted as the best evidence of market value.

Conclusion of Law

¹ The appellant relied upon the Multiple Listing Service data sheet for the description of the subject property which indicates the property has central air conditioning. The assessing officials do not record this feature for the property.

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 purchase of the subject property in March, 2011 for a price of \$45,200. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by Fannie Mae using a Realtor from Smith Partners, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for about four months based on the Listing & Property History Report submitted by the appellant. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the date and sale price. The Board finds the purchase price of \$45,200 is below the market value reflected by the assessment of \$81,242.

Furthermore, the Property Tax Appeal Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction other than stating it was a "foreclosure/REO" and submitting a copy of the real estate transfer declaration sheet. In this regard, the Property Tax Appeal Board takes judicial notice of Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2012.

Additionally, the board of review did not refute the contention that the purchase price was reflective of market value at the time of the sale. The appellant submitted a copy of the Multiple Listing Service data sheet which reflected the property was sold "as-is" and had an original asking price of \$59,900.

Based on this record the Board finds the subject property had a market value of \$45,200 as of January 1, 2012. Since market value has been determined the 2012 three year average median level of assessment for DuPage County of 33.32% 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.

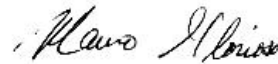
Chairman



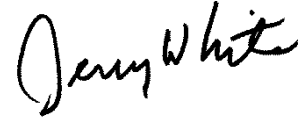
Member



Member



Member



Acting 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: September 18, 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.