



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

APPELLANT: Zheng Chen
DOCKET NO.: 12-04200.001-R-1
PARCEL NO.: 08-15-105-133

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: \$3,180
IMPR.: \$7,150
TOTAL: \$10,330

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 and frame exterior construction with 640 square feet of living area. The building was constructed in 1980. Features of the unit include 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 May 11, 2011 for a price of \$31,000. 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 \$21,200. The subject's assessment reflects a market value of \$63,625 or \$99.41 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 sale evidence, the board of review contended the subject's sale was "a Trustee's Deed." In support of this contention, a copy of the recorded Trustee's Deed was submitted.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales of 670 square foot residential condominium units that were built in 1980 and have a fireplace. One of the comparables also has central air conditioning. These properties sold between May 2009 and July 2011 for prices ranging from \$49,000 to \$114,000.

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

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

¹ The appellant relied upon the Multiple Listing Service data sheet for the description of the subject which included central air conditioning as a feature. The assessing officials do not report air conditioning as a feature of the subject.

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 May, 2011 for a price of \$31,000. 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 a trust using a Realtor from Re/Max of Naperville, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for about eight months or 217 days. The Board finds the purchase price of \$31,000 is below the market value reflected by the assessment of \$63,625.

The Board further finds the board of review did not present any evidence to challenge the arm's length nature of the transaction besides submitting a copy of the Trustee's Deed which transferred the property after the sale. In addition, the board of review did not refute the contention that the purchase price was reflective of market value as of the date of sale. The Multiple Listing Service data sheet indicates the property was "price low because it needs updating (not a short sale or bank owned, it's in Trust)."

In addition the Board has given reduced weight to board of review sales #1 through #4 as these sales are dated and less likely to be indicative of the subject's estimated market value as of the assessment date. The Board further finds that board of review comparable sales #5 and #6 which occurred in June and July 2011 for \$49,000 and \$53,000 further support the appellant's contention that the subject property is overvalued based on its assessment.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request 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

K. L. Ferr

Member

JR

Member

Mark Albino

Member

Jerry White

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

A. Portol

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.