



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

APPELLANT: Zhao Meide
DOCKET NO.: 13-02706.001-R-1
PARCEL NO.: 03-16-405-017

The parties of record before the Property Tax Appeal Board are Zhao Meide, the appellant, by attorney Jerri K. Bush, in Chicago, and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$24,312
IMPR: \$77,417
TOTAL: \$101,729

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kendall County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 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 single-family dwelling of brick and frame construction with 3,913 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached three-car garage of 734 square feet of building area. The property has a 12,636

square foot site and is located in Oswego, Oswego Township, Kendall County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located within .6 of a mile of the subject property. The comparables consist of two-story frame or brick and frame dwellings that range in size from 3,527 to 4,200 square feet of living area. The appellant did not report the age of the homes, but features include full or partial unfinished basements and a three-car garage. Three of the comparables also have a fireplace. The properties sold between September 2012 and September 2013 for prices ranging from \$240,000 to \$260,000 or from \$59.70 to \$72.87 per square foot of living area, including land. The appellant included Multiple Listing Service data sheets for each of the sales which reflect the number of days on the market ranging from 25 days to 224 days.

Based on this evidence, the appellant requested a total assessment of \$82,825 which would reflect a market value of approximately \$248,475 or \$63.50 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$101,729. The subject's assessment reflects a market value of \$305,309 or \$78.02 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kendall County of 33.32% as determined by the Illinois Department of Revenue.

In response, the board of review submitted copies of property record cards and PTAX-203 Illinois Real Estate Transfer Declarations for the appellant's four comparable sales. The data reveals appellant's comparable #2 sold for \$70.03 per square foot of living area, including land, and the appellant made a mathematical error in the calculation in the grid analysis. The data also reveals that the appellant slightly overstated the dwelling size of comparable #4 which actually contains 4,165 square feet of living area and thus presents a sale price of \$62.42 per square foot of living area, including land. Also, the documentation reveals that one of the sales was a short sale and three were REO (Real Estate Owned) properties.

In support of its contention of the correct assessment the board of review submitted a grid analysis with information on four

comparable sales located in the subject's subdivision along with applicable property record cards and copies of the PTAX-203 Illinois Real Estate Transfer Declarations for these sales. The comparables consist of two-story brick and frame dwellings that were built between 2005 and 2008. The homes range in size from 3,527 to 3,749 square feet of living area and feature full or partial unfinished basements, central air conditioning, a fireplace and a garage ranging in size from 615 to 662 square feet of building area. The properties sold between February and October 2013 for prices ranging from \$272,500 to \$327,500 or from \$77.26 to \$90.33 per square foot of living area, including land.

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

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

To the extent that the submission of data concerning the appellant's comparable sales was presented to establish that the sales were short sale or REO transactions, the 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, 2013.

The parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The comparables have varying degrees of similarity to the subject in age, dwelling size and/or features. The comparables sold between September 2012 and October 2013 for prices ranging from \$240,000 to \$327,500 or from \$59.70 to \$90.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$305,309 or \$78.02 per square foot of living area, including land, which is within the range established by the comparable sales in this record and appears well supported when giving due considerations to adjustments for differences between the subject and the comparable dwellings. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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: November 20, 2015

A. Proctor

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.