



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

APPELLANT: Ruirong Wu & James Sa
DOCKET NO.: 14-02356.001-R-1
PARCEL NO.: 02-28-308-018

The parties of record before the Property Tax Appeal Board are Ruirong Wu & James Sa, the appellants,¹ and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$8,504
IMPR.: \$34,719
TOTAL: \$43,223

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 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 townhome of brick and frame exterior construction with 1,728 square feet of living area. The townhouse was constructed in 2006. Features of the townhome include a partial basement with finished area, central air conditioning and an attached 400 square foot garage. The property is located in Pingree Grove, Rutland Township, Kane County.

The appellants' appeal is based on overvaluation citing both the recent purchase price of the subject property and providing comparable sales to support the argument.

As to the subject's sale, the appellants submitted evidence disclosing the subject property was purchased on August 17, 2012 for a price of \$80,000. The appellants completed Section IV - Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related,

¹ Attorney Jerri K. Bush withdrew her appearance as counsel for the appellants by a filing dated March 16, 2016.

the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service for 108 days. In further support of the transaction the appellants submitted a partial copy of the Settlement Statement reiterating the purchase price and date; a copy of the Multiple Listing Service data sheet depicting that the property was an REO/Lender Owned, Pre-Foreclosure with cash financing; and a copy of the Listing & Property History Report depicting a listing date of March 29, 2012 with an asking price of \$99,900, followed by two price reductions and a final asking price of \$86,500 as of June 26, 2012 before being sold.

In the Section V grid analysis of the appeal petition, the appellants provided six comparable sales located within .2 of a mile of the subject property. The comparables consist of two-story or three-story townhomes of frame, brick or frame and brick exterior construction were built in 2006 or 2007, except comparable #1 which date of construction was unknown. The units range in size from 1,728 to 1,757 square feet of living area. Five of the comparables have English or partial basements with finished area. Each unit has central air conditioning and a 400 square foot garage. The comparables sold between February 2013 and November 2013 for prices ranging from \$87,651 to \$112,900 or from \$50.72 to \$65.35 per square foot of living area, including land.

Based on this evidence, the appellants 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 \$43,223. The subject's assessment reflects a market value of \$129,838 or \$75.14 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Kane County of 33.29% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data prepared by the Rutland Township Assessor's Office. The assessor contended that several of the appellants' comparable sales were short sales and foreclosures.²

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales, two of which are located in the subject's neighborhood code as assigned by the assessor. The comparables consist of two-story townhomes of frame or brick and frame construction that were built in 2006 or 2007. Each unit contains 1,728 square feet of living area and features a lookout basement, central air conditioning and a 400 square foot garage. The properties sold between July 2013 and January 2014 for prices ranging from \$135,000 to \$153,000 or from \$78.13 to \$88.54 per square foot of living area, including land.

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

² It is not clear if this assertion by the assessor is applicable to the sales presented by the appellants before the Property Tax Appeal Board; the assessor purportedly reiterated the appellants' sales in a grid analysis providing five properties where only comparable #3 had been presented by the appellants as their comparable #1.

As additional correspondence, on March 8, 2016, the Property Tax Appeal Board received a letter from the appellants seeking to "start a year 2014 [appeal]" from their favorable decision rendered for tax year 2013 in Docket No. 13-02399.001-R-1. Since a tax year 2014 appeal had already been filed by Attorney Bush on behalf of the appellants, this additional filing was unnecessary. Moreover, in the submission, the appellants characterized the filing as a "direct appeal" for tax year 2014 and not a "rollover" that would be applicable for owner-occupied residential property in accordance with Section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

Conclusion of Law

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

The Property Tax Appeal Board has given little weight to the August 2012 sale of the subject property for \$80,000 as the date of sale is remote in time to the valuation date at issue of January 1, 2014 and thus less likely to be indicative of the property's estimated market value as of the assessment date.

The parties also submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparable sale #6 as this unit lacks a basement which is a feature of the subject. The Board has also given reduced weight to board of review comparable #1 due to its location in a different neighborhood code than the subject property without further explanation from the assessing officials.

The Board finds the best evidence of market value to be appellants' comparable sales #1 through #5 along with board of review comparable sales #2 and #3. The record indicates that all seven comparables are located in close proximity to the subject property and consist of townhomes. Features were similar when compared to the subject and the units range in size from 1,728 to 1,757 square feet of living area. These most similar comparables sold between February 2013 and January 2014 for prices ranging from \$87,651 to \$142,000 or from \$50.72 to \$82.18 per square foot of living area, including land. The subject's assessment reflects a market value of \$129,838 or \$75.14 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

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 23, 2016



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.