



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

APPELLANT: Zheng Chen
DOCKET NO.: 14-02386.001-R-1
PARCEL NO.: 15-27-227-003

The parties of record before the Property Tax Appeal Board are Zheng Chen, the appellant,¹ and the Kane 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 Kane County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$1,875
IMPR.: \$30,682
TOTAL: \$32,557

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 multi-family dwelling of frame construction with 2,084 square feet of living area. The dwelling was constructed in 1902 and contains two apartment units. Features of the building include a basement. The property is located in Aurora, Aurora Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence both concerning the recent sale of the subject and three comparable sales.

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

In Section IV - Recent Sale Data, the appellant disclosed the subject property was purchased on November 5, 2012 for a price of \$40,500. The appellant reported the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service for more than 30 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date.

In a comparable sales grid where the subject was listed as comparable #1, the appellant presented data on comparable sales #2, #3 and #4. The three comparables are located within .58 of a mile of the subject property and consist of multi-story frame dwellings that were built in 1900. The comparables range in size from 1,596 to 1,737 square feet of living area and feature basements. Two of the comparables have garages of 308 and 480 square feet, respectively. The properties sold between January and September 2013 for prices ranging from \$27,500 to \$50,000 or from \$17.23 to \$28.79 per square foot of living area, including land.

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 \$32,557. The subject's assessment reflects a market value of \$97,798 or \$46.93 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 and in support of its contention of the correct assessment, the board of review relied on the evidence gathered by the assessor and further argued that the subject was "currently listed" above its estimated market value. The board of review also reported the subject is not an owner-occupied property, but is fully rented. A Multiple Listing Service data sheet for the subject property reflects a listing date of June 20, 2015 with an original asking price of \$119,500 which was reduced to \$109,500. In a memorandum, it was asserted that the subject was sold in 2012 as-is as a foreclosure.

The assessor also submitted a grid with information on three comparable sales. The comparables consist of a 1.5-story, a part two-story and part one-story and a part two-story and part 1.5-story building. These comparables were built in 1900 or 1929 and range in size from 1,404 to 2,054 square feet of building area and have basements. Two of the comparables also have central air conditioning and one comparable has a garage of 624 square feet of building area. The comparables sold from January 2013 to November 2013 for prices ranging from \$100,000 to \$133,623 or from \$48.69 to \$95.17 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.

In written rebuttal, former counsel for the appellant reiterated that the sale of the subject was an arm's length sale transaction. She further contended that the board of review did not reported the proximity of its comparables to the subject.

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.

The Board has given reduced weight to the November 2012 purchase price of the subject property which occurred 14 months prior to the assessment date at issue of January 1, 2014.

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #3 and board of review comparable #3 as these buildings are significantly smaller than the subject building.

The Board finds the best evidence of market value to be appellant's comparable sales #2 and #4 along with board of review comparable sales #1 and #2. These four most similar comparables sold between January 2013 and November 2013 for prices ranging from \$44,800 to \$104,000 or from \$26.26 to \$55.08 per square foot of living area, including land. The subject's assessment reflects a market value of \$97,798 or \$46.93 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be well-supported by the most similar property, board of review comparable #1. 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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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 22, 2016

A. Heston

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.