



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

APPELLANT: Fan Li
DOCKET NO.: 16-06657.001-R-2
PARCEL NO.: 09-01-209-017

The parties of record before the Property Tax Appeal Board are Fan Li, the appellant, by Greg Earl, Attorney at Law in Geneva; and the DuPage 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 **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$103,390
IMPR.: \$353,690
TOTAL: \$457,080

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 2017 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 part one-story and part two-story brick single-family dwelling that was constructed in 2007 and contains 4,290 square feet of living area. Features of the home include an unfinished basement, central air conditioning, two fireplaces and a 441-square foot garage. The property has a 16,154 square foot site and is located in Hinsdale, Downers Grove 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 through foreclosure from Bank of New York Mellon on April 4, 2014 for \$720,000. The appeal petition indicated the property was sold by a Realtor and had been advertised for sale on the Multiple Listing Service (MLS) for 73 days. Appellant submitted a copy of the Settlement Statement showing that commissions were paid to two Realtors at closing. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the 2014 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$457,080. The subject's assessment reflects a market value of \$1,373,025 or \$320.05 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for DuPage County of 33.29% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review submitted a brief disclosing that the March 2014 sale for \$720,000 was reflective of a "severe mold problem" which the appellant did not disclose in his appeal. The board of review submitted a copy of a building permit issued in April 2014 for \$24,000 for mold remediation. The board of review also submitted a copy of a letter from the appellant dated October 27, 2015 in which he wrote that, at the time he purchased the property, it "was abandoned and was in unlivable condition." He stated that the previously finished basement was damaged by flooding and mold and had to be "demolished to bare concrete in mold remediation" and remains unfinished. He requested that his assessment be reevaluated based on this change in condition. In response to the letter, the assessor's office conducted a field inspection that included interior and exterior inspections of the property. The field notes from the inspection state that the basement was not finished now and that the finish was removed during mold remediation. The inspector recommended that the assessment be changed. Appellant's October 27, 2015 letter also included a copy an appraisal that had been done for a refinance of the property.¹ The appraisal was completed after the mold remediation and repairs and was based on interior and exterior inspections of the property. The appraiser acknowledged that the property was purchased in April 2014 for \$720,000 and noted that the property had "sold below market value, due to foreclosure and basement." The appraiser valued the property at \$950,000 as of October 18, 2014.

In support of its contention of the correct assessment, the board of review submitted information on the sales of three comparable properties located in the same neighborhood as the subject. The comparables are located in close proximity to the subject and consist of multi-story single-family dwellings of brick or frame exterior construction. The dwellings are situated on sites ranging in size from 13,464 to 16,900 square feet of land area. The homes were built from 2000 to 2005 and range in size from 4,154 to 4,489 square feet of living area. The comparables each have a basement, two of which are 75% finished. The comparables also feature central air conditioning, two or three fireplaces, and a garage ranging in size from 702 to 780 square feet of building area. The comparables sold from November 2015 to March 2016 for prices ranging from \$1,599,000 to \$1,787,500 or from \$359.25 to \$415.26 per square foot of living area, including land.

Based on this evidence, the board of review argued that the 2014 sale of a house with a mold problem does not accurately reflect the market value of the property as of January 1, 2016, after mold remediation, and 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

¹ The board of review included a copy of the appraisal with its evidence.

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 support their respective positions before the Property Tax Appeal Board, the appellant submitted evidence regarding the subject's 2014 sale, while the board of review submitted evidence including a building permit for mold remediation and repairs, a field inspection report on the property conducted after the work was completed, an appraisal provided to the board of review by the appellant, along with three comparable sales.

The Board gave less weight to the 2014 sale of the subject property as the subject was purchased through foreclosure and, according to the letter written by the appellant to the board of review, "was abandoned and was in unlivable condition" at the time of purchase. Subsequent to the April 2014 purchase for \$720,000, the appellant had mold remediation and repairs done on the property and left the previously finished basement unfinished. After an inspection of the property, the assessor's office agreed to revise the property's assessment to reflect the unfinished basement. In late 2014 the appellant had an appraisal of the property done for refinance purposes which concluded with an opinion of value of \$950,000. Both the 2014 sale and 2014 appraisal are now dated in relation to the January 1, 2016 assessment date at issue.

The Board finds the three board of review comparables to be the best evidence of market value in the record. These comparables have varying degrees of similarity to the subject but are similar to the subject in location, age, design, and most features. The dwellings sold more proximate in time to the assessment date at issue for prices ranging from \$1,599,000 to \$1,787,500 or from \$359.25 to \$415.26 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$1,373,025 or \$320.05 per square foot of living area, including land, which falls below the range established by the best comparable sales in this record. Two of the comparables have finished basements and each of the comparables has a larger garage when compared to the subject requiring downward adjustments thereto. After adjusting the comparables for differences from the subject, 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



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 15, 2020



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Fan Li, by attorney:
Greg Earl
Attorney at Law
17 North 6th Street
Geneva, IL 60134

COUNTY

DuPage County Board of Review
DuPage Center
421 N. County Farm Road
Wheaton, IL 60187