



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

APPELLANT: Jin Ru Zheng & Zhixian Guo
DOCKET NO.: 17-06580.001-R-1
PARCEL NO.: 06-13-380-024

The parties of record before the Property Tax Appeal Board are Jin Ru Zheng & Zhixian Guo, the appellants, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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: \$ 7,931
IMPR.: \$40,033
TOTAL: \$47,964

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a 2016 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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, multi-family dwelling of frame exterior construction with 1,539 square feet of living area.¹ The dwelling was constructed in 1900. Features of the home include three apartment units and a full unfinished basement. The property has an approximately 7,500 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation and contention of law as the bases of the appeal. The appellants' counsel cited the provision of a "direct appeal" pursuant to Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) as the only basis for a contention of law. The subject

¹ Appellants' attorney provided limited information regarding the features of the subject property. Additional descriptive details about the subject were submitted by the board of review.

property received a reduced assessment from the Property Tax Appeal Board in the prior year under Docket Number 16-07346.001-R-1.

The appellants' appeal herein is primarily based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on February 11, 2015 for a price of \$61,000. The appellants partially completed Section IV - Recent Sale Data of the appeal petition reporting that the subject property was purchased from the owner of record which was Deutsche Bank National Trust Company, as Trustee for Long Beach Mortgage Loan Trust 2005-2 as reported in the Settlement Statement submitted by the appellants. The parties to the transaction were reportedly not related and the property was advertised by a sign, internet and/or auction. The appellants' counsel did not disclose how long a period of time the property was advertised for sale. A copy of the Settlement Statement reflects the purchase price, the date of sale and the distribution of broker's fees to two entities. In addition, a copy of the PTAX-203 Illinois Real Estate Transfer Declaration reiterated the purchase price and depicted that the property was advertised for sale.

The appellants' attorney also submitted a grid analysis of four comparable properties located within .79 of a mile from the subject. The comparables each consist of part one-story and part two-story multi-family dwellings which were built in either 1900 or 1918. The comparables range in size from 1,501 to 1,786 square feet of building area and have full or partial basements. One comparable also has central air conditioning. The comparables sold from February 2015 to July 2017 for prices ranging from \$51,500 to \$80,000 or from \$18,333 to \$36,226 per apartment unit or from \$34.31 to \$46.27 per square foot of building 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 \$47,964. The subject's assessment reflects a market value of \$143,950 or \$47,983 per apartment unit or \$93.53 per square foot of building area, land included, when using the three-year average median level of assessment for Kane County of 33.32% 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 Elgin Township Assessor. In the memorandum, the assessor contended that the subject was purchased in February 2015. The assessor noted the appellants' comparable sales are variously foreclosure, TLC, cash only sales and comparable #2 that was not listed with the Multiple Listing Service (MLS).

In support of its contention of the correct assessment, the board of review submitted information on seven comparable sales improved with multi-family dwellings with varying degrees of similarity when compared to the subject; the assessor acknowledged the comparables #1, #3, #4 and #5 were each larger three-unit properties. Comparables #6 and #7 were each four-unit properties. The dwellings range in size from 1,310 to 2,516 square feet of building area and were constructed from 1863 to 1920. Each comparable has either three or four apartment units and a basement, two of which have finished areas. Three comparables have garages of either 180 or 440 square feet of building area. The comparables were located within .84 of a mile from the subject property. The comparables have sites ranging in size from 5,589 to 14,811 square

feet of land area. The comparables sold from September 2015 to November 2018 for prices ranging from \$130,000 to \$250,000 or from \$41,500 to \$83,333 per apartment unit or from \$67.37 to \$111.11 per square foot of building area, including land.

In written rebuttal, counsel for the appellants contended the evidence submitted by the board of review consist of sales too remote in time to be indicative of the subject's estimated market value as of January 1, 2017, are significantly larger, have a garage and/or are an older dwelling. As to board of review comparable #5, counsel for the appellants established a sale closer to the lien date in May 2017 for \$136,900 or \$45,633 per apartment unit or \$60.84 per square foot of building area, including land. Given these arguments, the appellants contended the subject's assessment should be reduced.

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.

As an initial matter, the Board gave little weight to the February 2015 purchase price of \$61,000. While the appellants provided evidence demonstrating the sale had elements of an arm's length transaction, the other sales in the record provided by both parties indicates that the sale price may not have been reflective of market value at the time of sale. Moreover, the sale date is 22 months remote in time to the valuation date at issue of January 1, 2017 and thus less likely to be indicative of market value as of the lien date.

The parties submitted a total of eleven comparable sales of multi-family dwellings 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 sale #1 which each sold in 2015, dates more remote in time to the valuation date at issue. Reduced weight was given board of review comparables #5 and #7 which are each significantly larger in building area than the subject.

The Board finds the best evidence of market value to be the appellants' comparable sales #1, #2 and #4 along with board of review comparable sales #2, #3 and #4 and #6. These most similar comparables sold between February 2016 and May 2018 for prices ranging from \$51,500 to \$207,500 or from \$25,750 to \$69,167 per apartment unit or from \$34.31 to \$110.84 per square foot of living area, including land. The subject's assessment reflects a market value of \$143,950 or \$47,983 per apartment unit or \$93.53 per square foot of building area, land included, which is within the range established by the best comparable sales in this record in terms of overall value, on a per-apartment basis and on a per-square-foot basis. Based on this evidence and after considering adjustments to the comparables for differences when compared to 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: March 16, 2021



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

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