



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

APPELLANT: Xiaoming Wang
DOCKET NO.: 18-04733.001-R-1
PARCEL NO.: 08-33-209-022

The parties of record before the Property Tax Appeal Board are Xiaoming Wang, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest; and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **a reduction** 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: \$53,740
IMPR.: \$78,930
TOTAL: \$132,670

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 2018 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 two-story and a part one-story dwelling of frame construction containing 2,665 square feet of living area.¹ The dwelling was constructed in 1988. Features of the home include a partial basement with finished area, central air conditioning and a two-car attached garage with 441 square feet of building area. The property has an 8,399 square foot site and is located in Naperville, Lisle Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal and information associated with the sale of the subject property. The appraisal was prepared by Tomasz Dominikowski, a State of Illinois Certified Residential Real Estate Appraiser. The appraiser identified the client as Provident Funding Associates and

¹ The parties differ slightly as to the subject's dwelling size. This slight difference will not affect the Board's decision.

the assignment type was a purchase transaction. The property rights appraised were fee simple and the purpose of the appraisal to provide an opinion of market value of the subject property. The appraiser estimated the subject property had a market value of \$400,000 as of March 13, 2017. The appraiser also reported the subject was listed for sale on 10/25/2016 for \$424,900 and the sales contract was signed on 2/17/2017 for \$398,000 per the attached Listing and Property History Report of the subject.

The appellant's appraiser used three comparable sales and one active listing in developing the sales comparison approach to value. The comparables are improved with Colonial style, two-story dwellings that range in size from 2,234 to 2,969 square feet of living area and in age from 24 to 29 years old. The comparables have basements with three having finished area. Other features include central air conditioning and two-car garages. The comparables are located within .51 miles from the subject and have sites ranging in size from 8,694 to 9,848 square feet of land area. Comparables #1 through #3 were reported to have sold from November 2016 to January 2017 for prices ranging from \$390,000 to \$425,000 or from \$137.32 to \$179.05 per square foot of living area, including land. Comparable #4 was an active listing with a price of \$449,000 or \$197.88 per square foot of living area, including land. The appraiser applied adjustments to the comparables for date of sale/time/active listing and/or differences when compared to the subject in view, gross living area and basement finished area to arrive at adjusted prices ranging from \$381,000 to \$447,000. Based on these sales the appraiser arrived at an estimated market value under the sales comparison approach to value of \$400,000.

The appellant also submitted an unsigned Settlement Statement and the Multiple Listing Service Sheet associated with the sale of the subject in April 2017 for \$398,000. The MLS sheet indicates the subject was an updated home that was listed on the market for 116 days. The Settlement Statement shows broker real estate commissions were paid.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment to reflect the sale price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$137,300. The subject's assessment reflects a market value of \$412,560 or \$154.81 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for DuPage County of 33.28% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located within .19 miles from the subject property. The comparables have sites ranging in size from 8,398 to 8,761 square feet of land area and are improved with part two-story and part one-story dwellings of frame construction. The comparables were built in 1988 or 1992 and ranged in size from 2,564 to 2,793 square feet of living area. Each home has a basement with two having finished area; two comparables have central air conditioning; and each comparable has one fireplace and garage with either 440 or 529 square feet of building area. The sales occurred from June 2017 to February 2018 for prices ranging from \$430,000 to \$485,000 or from \$153.96 to \$174.96 per square foot of living area, including land. Based on this evidence the board of review requested the assessment be sustained.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in April 2017 for a price of \$398,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. In support of the transaction, the appellant submitted an unsigned Settlement Statement which shows commissions were paid to the realtors and the MLS sheet associated with sale of the subject that shows it was listed on the market for 116 days. The Board finds the subject's purchase price is below the market value as reflected by the assessment. Less weight was given to the appellant's appraisal as the appraiser utilized two 2016 sales that were dated and sold less proximate in time to the January 1, 2018 assessment date. The Board also finds the board of review did not adequately present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Furthermore, the Property Tax Appeal Board gave less weight to the board of review comparable sales as these sales do not overcome the subject's arm's-length sale price. Based on this record, the Board finds a reduction in the subject's assessment to reflect the sale price is warranted.²

² The assessment amount has been rounded in accordance with the DuPage County's assessment practices.

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:

February 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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