



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

APPELLANT: Chen Xu
DOCKET NO.: 19-08418.001-R-1
PARCEL NO.: 08-36-212-020

The parties of record before the Property Tax Appeal Board are Chen Xu, 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 **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: \$49,100
IMPR.: \$74,613
TOTAL: \$123,713

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 2019 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 part one-story dwelling of frame and brick exterior construction with 2,619 square feet of living area.¹ The dwelling was constructed in 2000. Features of the home include an unfinished full basement, central air conditioning, a fireplace and a two-car garage containing 546 square feet of building area. The property has a 9,338 square foot site and is located in Woodridge, Lisle Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$338,000 as of January 1, 2019. The appraisal was prepared by James Swerdon, a Certified Residential

¹ The Board finds the best description of the subject property is found in the evidence provided by the board of review, which included a map of the subject site and a property record card with a detailed schematic diagram and dimensions of the subject's improvements.

Real Estate Appraiser. The property rights appraised were fee simple and the purpose of the appraisal was to estimate market value of the subject property for ad valorem tax purposes.

The appraiser stated that “the comparable photos attached herein may be photos taken during the time of sale. The current owners may have made alterations to the property which would effect [sic] it’s [sic] appeal. These photos best reflect the overall condition and appeal of the comparable at the time of sale. Also, MLS photos may have been used if at the time of the exterior inspection, the photos available would have caused a potential conflict with any fair lending act and policies.”

The appraiser described the subject as a two-story, traditional style dwelling in average physical condition at the time of inspection. The appraiser noted that “per the owner, there has not been any recent improvements to the subject. Style, size and floor plan appear typical for its neighborhood. Normal physical depreciation has occurred while function and external inadequacies were not apparent.”

In estimating the subject’s market value, the appraiser developed the sales comparison approach to value utilizing five comparable sales that are located within .32 miles from the subject property. The comparables have sites ranging in size from 9,148 to 19,602 square feet of land area. The comparables are described as “Colonial” or traditional style dwellings ranging in size from 2,350 to 3,428 square feet of living area. The dwellings range in age from 17 to 27 years old. Each comparable has a full basement with four having finished area. Each comparable has central air conditioning, one fireplace and either a two-car or a three-car garage. The comparables sold from January 2017 to December 2018 for prices ranging from \$336,000 to \$382,000 or from \$111.44 to \$157.45 per square foot of living area, including land. The appraiser applied adjustments to comparables #2 and #4 for sales or financing conditions.² The appraiser also applied adjustments to the comparables for differences when compared to the subject in location, site size, view, condition, room count, gross living area, finished basement area, garage size and other features to arrive at adjusted sale prices ranging from \$336,375 to \$343,100. Based on the adjusted sale prices, the appraiser estimated the subject property had a market value of \$338,000 as of January 1, 2019.

Based on this evidence, the appellant requested the subject’s assessment be reduced to \$110,000, which would reflect a market value of \$330,033 or \$126.01 per square foot of living area, including land, when using 2,619 square feet of living area and the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$136,760. The subject's assessment reflects a market value of \$414,550 or \$158.29 per square foot of living area, land included, when using the 2019 three-year average median level of assessment for DuPage County of 32.99% as determined by the Illinois Department of Revenue.

² The appellant’s appraiser noted that appraisal comparable #4 sold as an REO and typically would not be considered or utilized. “However, it was included due to its proximity to the subject and its ability to properly bracket the subject’s estimated value with its actual sales price. This sale was included solely as supporting data. An adjustment was added to compensate for the circumstances surrounding the sale.”

In support of its contention of the correct assessment of the subject property, the board of review submitted information on four comparable sales identified by the township assessor that have the same assessment neighborhood code as the subject and are located within .11 of a mile of the subject property. The comparables have sites that range in size from 9,000 to 10,825 square feet of land area. The comparables are described as two-story or part two-story and part one-story dwellings of frame and brick exterior construction ranging in size from 1,951 to 2,730 square feet of living area and were constructed in 2001 or 2002. Each comparable has a basement with finished area, central air conditioning and a garage ranging in size from 440 to 550 square feet of building area. Three comparables each have one fireplace. The comparables sold from January 2017 to August 2018 for prices ranging from \$315,000 to \$431,000 or from \$156.56 to \$171.71 per square foot of living area, including land.

The board of review provided a location map depicting the location of the subject in relation to its comparable sales and the appellant's appraiser's comparable sales. The location map depicts the appellant's appraisal comparables #2 and #5 are located in Downers Grove Township, whereas the subject and the parties' remaining comparables are located in Lisle Township.

The board of review also provided a PTAX-203 Real Estate Transfer Declaration for the appellant's appraisal comparable #4 which depicts the sale as a "Bank REO."

Based on this evidence, the board of review 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 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 appellant submitted an appraisal of the subject property and the board of review submitted four comparable sales to support their respective positions before the Board. The Board has given less weight to the appellant's appraiser's conclusion of value as the appraisal comparable sales #2, #3 and #4 sold in 2017, approximately 14 months to 24 months prior to the assessment date at issue with no explanation of why no adjustments for time were made; and appraisal comparable #3 has a larger dwelling size when compared to the subject dwelling. These factors undermine the credibility of the appraiser's conclusion of value. However, the Board will analyze the raw sales data of the comparables presented in the appraisal, as well as the comparable sales provided by the board of review.

As to the appellant's appraisal, the Board has given less weight to the appellant's appraisal comparables #2, #3 and #4 as the sales occurred less proximate in time to the lien date at issue than the other comparable sales in the record. Furthermore, the appellant's appraisal comparable #3 has a larger dwelling size when compared to the subject.

As to the board of review comparables, the Board has given reduced weight to board of review comparables #2, #3 and #4 due to their smaller dwelling sizes and/or their sale date occurred 24 months prior to the assessment date at issue.

The Board finds the best evidence of the subject's market value to be the appellant's appraisal comparables #1 and #5, along with board of review comparable #1. These three comparables sold more proximate in time to the assessment date at issue are similar to the subject in dwelling size, design, age and some features. However, the Board finds the comparables have finished basements, unlike the subject, suggesting a downward adjustment would be required to make the comparables more equivalent to the subject. Nevertheless, these properties sold from June to December 2018 for prices ranging from \$364,250 to \$431,000 or from \$138.71 to \$157.88 per square foot of living area, including land. The subject's assessment reflects a market value of \$414,550 or \$158.29 per square foot of living area, land included which is within the range established by the best comparables sales in the record in terms of overall market value but slightly above the range on a price per square foot basis. However, after considering the adjustments needed for the fact the comparables have finished basements, unlike the subject, the Board finds the subject's assessment is excessive. Based on this record, the Board finds a reduction in the subject's assessment is 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 20, 2022



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

Chen Xu, 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