



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

APPELLANT: Hua Liu  
DOCKET NO.: 10-01452.001-R-1  
PARCEL NO.: 05-24-426-004

The parties of record before the Property Tax Appeal Board are Hua Liu, the appellant, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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:** \$30,674  
**IMPR.:** \$75,411  
**TOTAL:** \$106,085

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single family dwelling of frame and brick construction that contains approximately 3,590 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a three-car attached garage. The subject property has a .26 acre or 11,325 square foot site and is located in Elgin, Plato Township, Kane County.

The appellant appeared before the Property Tax Appeal Board challenging the assessment for the 2010 tax year based on overvaluation. In support of this argument the appellant provided evidence in the form of a real estate contract disclosing that he purchased the subject property in April 2009 for a price of \$318,000. The appellant indicated that the property was purchased from GMAC Model Home Finance, Inc. and the parties to the transaction were not related. He further indicated the property was sold through a Realtor, Tanis Group, LLC, and had been listed on the open market for three months. He testified the asking price was \$340,000 and he offered \$290,000. The seller countered with a price of \$318,000, which the appellant accepted. He further testified that the parties to the transaction were under no duress to complete the sale.

In further support of his overvaluation argument the appellant submitted a copy of a letter from the attorney that represented him in the transaction, Barbara M. Wheeler, asserting the purchase was not a short sale nor was the home a purchase of a foreclosed property. The letter explained the subject dwelling was built by Ryland Homes and used as a model home. According to Wheeler, Ryland Homes financed their model homes through GMAC. The attorney asserted in the letter that the home was listed with a real estate agent and purchase negotiations took place with Ryland Homes. The attorney asserted in the letter the sale was an arm's length transaction reflective of the market at the time of purchase.

In further support of the overvaluation argument the appellant submitted a copy of an appraisal estimating the subject property had a market value of \$330,000 as of April 30, 2009. The appraisal was prepared by Mary Anne E. Omelka, a State of Illinois Certified Residential Real Estate Appraiser. The purpose of the appraisal was to estimate the market value of the subject property for a purchase transaction. The client was listed as Fortune Mortgage. The report indicated the property had been listed on three occasions for a total of 137 days: November 20, 2008 for a price of \$459,990, December 31, 2008 for a price of \$394,900, and April 3, 2009 for a price of \$338,557.

In estimating the market value of the property the appraiser developed the cost approach estimating a market value for the subject property of \$475,000 and the sales comparison approach estimating the market value of the property to be \$330,000. Giving most weight to the sales comparison approach the appraiser estimated the subject property had a market value of \$330,000 as of April 30, 2009.

As a final point the appellant submitted a copy of printout of a Plato Township data sheet on the subject property wherein it was stated the property's most recent sale was in May 2009 for a price of \$318,000 and the sale type was "Arms Length."

Based on this evidence the appellant requested the subject's assessment be reduced to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property totaling \$125,955 was disclosed. The subject's assessment reflects a market value of \$377,563 or \$105.17 per square foot of living area when applying the 2010 three year average median level of assessments for Kane County of 33.36%.

In support of the assessment the board of review submitted information on three comparable sales improved with the same model home as the subject property. The comparables had either 3,590 or 3,606 square feet of living area and had similar features as the subject property. The dwellings were built from 2006 to 2008 and were of frame or frame and brick exterior construction. These properties sold from February 2008 to

October 2009 for prices ranging from \$336,000 to \$440,000 or from \$93.59 to \$122.02 per square foot of living area, including land.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds that it has jurisdiction over the parties and the subject matter of the appeal.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). 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 in this record is the sale of the subject property that occurred in April 2009 for a price of \$318,000. The Board finds the evidence disclosed the sale had the elements of an arm's length transaction. The evidence disclosed the parties to the transaction were not related, the property was exposed on the open market beginning in November 2008 and the parties were not under any compulsion or duress to complete the transaction. The Board finds the purchase price reflects a market value below the market value reflected by the subject's assessment. The Board further finds the purchase price is further supported by the appraisal submitted by the appellant and board of review comparable sale #2 that sold in October 2009 for a price of \$336,000. Based on this record the Board finds the subject property had a market value of \$318,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessments for Kane County of 33.36%. (86 Ill.Admin.Code 1910.50(c)(1)).

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.



Chairman



Member



Member



Member



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 19, 2013



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.