



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

APPELLANT: Diep Nguyen
DOCKET NO.: 10-04527.001-R-1
PARCEL NO.: 03-20-332-003

The parties of record before the Property Tax Appeal Board are Diep Nguyen, the appellant, and the Kendall 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 Kendall County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$18,390
IMPR.: \$69,997
TOTAL: \$88,387

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame exterior construction containing 2,191 square feet of living area. The dwelling was constructed in 1995. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a garage of 660 square feet of building area. The property has an 11,753 square foot site and is located in Oswego, Oswego Township, Kendall County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property has been listed on the open market with a Realtor "for the past few years." The appellant contends the agent believes the subject has a market value of \$240,000. No further evidence of the subject's actual listing price history was presented by the appellant.

In addition, the appellant provided three comparable sales of properties located from .012 to .21 of a mile from the subject. The comparables are single family frame dwellings that are from 7 to 18 years old. The homes range in size from 2,020 to 3,245 square feet of living area. Each home has a full basement, central air conditioning and a garage ranging in size from 432 to 876 square feet of building area. Two of the comparables have a fireplace. The homes sold between January and July 2011 for

prices ranging from \$180,000 to \$285,000 or from \$87.82 to \$89.42 per square foot of living area, including land.

Based on this evidence, in the Residential Appeal petition the appellant requested a reduction in the subject's total assessment to \$80,000 which would reflect a market value for the subject of approximately \$240,000 or \$109.54 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$92,470 was disclosed. The subject's assessment reflects a market value of \$277,521 or \$126.66 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Kendall County of 33.32% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

In response to the appeal and based upon the board of review's sales evidence, the board of review proposed to reduce the subject's assessment to \$88,387 which would reflect a market value of approximately \$265,267.¹

The appellant was informed of this proposed assessment reduction as part of the board of review's evidence and responded in rebuttal that a total assessment identical to board of review comparable #3 of \$86,401 was appropriate given the similarities of that property to the subject.

In further response to the appellant's appeal, the board of review contended that the appellant's sales comparables from 2011 are inappropriate for a 2010 assessment appeal. In further support of the subject's assessment, the board of review submitted information on four comparable sales from the subject's subdivision. The comparables are improved with two-story dwellings of frame and frame and masonry construction that range in size from 2,084 to 2,547 square feet of living area. The dwellings range in age from 10 to 15 years old. Features of the comparables include a full or partial unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 512 to 749 square feet of building area. The comparables have sites ranging in size from 10,645 to 12,738 square feet of land area. These four comparables sold from June to September 2009 for prices ranging from \$248,000 to \$290,000 or from \$111.90 to \$124.30 per square foot of living area, including land.

As noted previously, based upon this evidence the board of review proposed to reduce the subject's total assessment to \$88,387

¹ The subject is an owner-occupied dwelling that was the subject matter of an appeal the prior year under Docket No. 09-04074.001-R-1 wherein the Board rendered a decision reducing the subject's assessment to \$91,667 based upon an agreement of the parties. Pursuant to Section 16-185 of the Property Tax Code, such assessment decision could be carried forward through the general assessment period subject only to equalization. (35 ILCS 200/16-185)

which would reflect an estimated market value of approximately \$265,267.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment commensurate with the reduction proposed by the board of review is warranted on this record.

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. 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 (3rd Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record does support a reduction in the subject's assessment.

The Board has given no weight to the appellant's evidence related to the listing of the subject property as the appellant failed to provide data regarding the actual asking price(s) of the subject property during the reported two-year marketing period. The appellant's contention without documentary support of the purported market value of the subject property according to the real estate agent is insufficient and uncorroborated evidence where there was no evidence of the subject's actual asking price proximate in time to the assessment date of January 1, 2010.

The parties submitted a total of seven comparable sales for the Board's consideration that are in close proximity to the subject and which bracket the assessment date at issue of January 1, 2010. The Board has given reduced weight to the appellant's comparable #3 as this dwelling is substantially larger than the subject home. The Board finds the remaining six comparables submitted by both parties were most similar to the subject in size, design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between June 2009 and July 2011 for prices ranging from \$180,000 to \$290,000 or from \$89.11 to \$124.30 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$277,521 or \$126.66 per square foot of living area, including land, but the board of review proposed to reduce the subject's assessment to reflect an estimated market value of \$265,267 or \$121.07 per square foot of living area, including land.

The Board finds the subject is entitled to an assessment reduction as proposed by the board of review so that the subject's assessment reflects a market value that falls within the range established by the most similar comparable sales on a

per square foot basis. After considering the record, the Board finds a reduction commensurate with the board of review's proposed assessment reduction is warranted in light of the sales data.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: September 20, 2013

Allen Castrovillari

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.