



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

APPELLANT: Feng Tian  
DOCKET NO.: 11-02462.001-R-1  
PARCEL NO.: 08-31-108-014

The parties of record before the Property Tax Appeal Board are Feng Tian, the appellant, and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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:** \$56,400  
**IMPR:** \$97,460  
**TOTAL:** \$153,860

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single-family dwelling of frame and masonry construction containing 3,069 square feet of living area. The dwelling was constructed in 1986. Features of the home include a full finished basement, central air conditioning, a fireplace and an attached garage of 528 square feet of building area. The property is located in Naperville, Lisle Township, DuPage County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on January 22, 2010 for a price of \$435,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was John Titus, the parties to the transaction were not related, the property was sold using a Realtor from the firm of ReMax Naperville, agent Doreen Million, the property had been advertised on the open

market with the Multiple Listing Service and it had been on the market for 46 days.

In further support of the transaction the appellant submitted a copy of the Multiple Listing Service data sheet depicting the subject was originally listed on October 26, 2009 for an asking price of \$479,900 prior to the sale for \$435,000. Additionally, a copy of the Settlement Statement was submitted which reiterated the date of sale and sale price previously stated.

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

The board of review submitted its "Board of Review Notes on Appeals" wherein the subject's total assessment of \$153,860 was disclosed. The subject's assessment reflects a market value of \$464,133 or \$151.23 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

In support of the assessment the board of review submitted its Addendum to Board of Review Notes on Appeal along with Exhibit 1 consisting of a spreadsheet that included eight sales along with a map depicting the location of the subject and the comparable properties. The spreadsheet indicates it was prepared by John D. Trowbridge II, Lisle Township Assessor. The grid also depicts the subject's purchase price of \$435,000 with a date of January 2010.

The spreadsheet sets forth information on eight suggested comparable sales located in the same neighborhood code assigned by the assessor as the subject property. The comparables are improved with dwellings of frame or masonry construction that range in size from 2,772 to 3,126 square feet of living area. The dwellings were constructed between 1985 and 1987. Features of the comparables include unfinished basements, central air conditioning and seven comparables have a fireplace. Each home has an attached garage ranging in size from 440 to 720 square feet of building area. These comparables sold from August 1985 to June 2011 for prices ranging from \$171,486 to \$510,500 or from \$59.01 to \$163.31 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 is warranted.

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); 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant provided evidence of the sale of the subject property that occurred approximately one year prior to the assessment date at issue of January 1, 2011. The appellant reported that the subject property was purchased on January 22, 2010 for a price of \$435,000. The appellant also provided evidence demonstrating the sale had the elements of an arm's length transaction. The seller was John Titus, the parties to the transaction were not related, the property was sold using a Realtor from the firm of ReMax Naperville, agent Doreen Million, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 46 days.

In response to the appeal, the board of review provided data on eight suggested comparable sales to support the subject's estimated market value as reflected by its assessment. The Property Tax Appeal Board has given no weight to board of review comparable sales #6, #7 and #8 as these sales occurred in either 1985 or 1986 which are dates too remote in time to be valid or relevant indicators of the subject's estimated market value as of the assessment date of January 1, 2011. The remaining five comparable sales presented by the board of review occurred from November 2009 to June 2011 for prices ranging from \$435,000 to \$510,500 or from \$156.93 to \$163.31 per square foot of living area, including land. The subject's assessment reflects a market value of \$464,133 or \$151.23 per square foot of living area, including land, falls within the range of these sales in terms of overall value and is below the range on a per-square-foot basis. Next, removing the highest and lowest comparable sale prices leaves three sales of \$450,000, \$453,000 and \$467,000 which further supports the subject's estimated market value as reflected by its assessment.

After considering the most comparable sales on this record and giving reduced weight to the subject's purchase price as it occurred one year prior to the assessment date at issue, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

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: April 18, 2014

*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.