

**PROPERTY TAX APPEAL BOARD'S DECISION**

APPELLANT: Curt Jackson  
DOCKET NO.: 06-00753.001-R-1  
PARCEL NO.: 04-12-09-481-019

The parties of record before the Property Tax Appeal Board are Curt Jackson, the appellant, and the Macon County Board of Review.

The subject property consists of a one and one-half story frame dwelling containing 1,296 square feet of living area that was built in 1909. Features include an unfinished basement.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. More specifically, the appellant argued the subject's land assessment is not reflective of its fair market value. The subject's improvement assessment was not contested. In support of the overvaluation contention, the appellant submitted eight surplus properties of vacant residential lots that were to be sold at auction on October 10, 2007, by the Macon County Trustee. The minimum bid for these lots was \$600. The appellant argued vacant lots in Decatur are a liability rather than an asset. The appellant argued vacant lots are used as dumping grounds for garbage, wherein the city charges property owners cleanup fees. Based on this evidence, the appellant claims the subject lot is only worth \$600.

In further support of the overvaluation contention, the appellant presented Multiple Listing Sheets (MLS) for twelve suggested comparable sales. However, the appellant primarily relied on three comparables in support of the overvaluation claim. These three comparable sales consist of one and one-half story frame dwellings that were built from 1895 to 1905. The comparables have unfinished basements, one comparable has central air conditioning, and two comparables have a garage. The dwellings range in size from 1,182 to 1,416 square feet of living area and

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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 Macon County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	1,346
IMPR.:	\$	2,956
TOTAL:	\$	4,302

Subject only to the State multiplier as applicable.

sold from March and September of 2006 for prices ranging from \$10,000 to \$14,600.

The appellant also argued various government agencies have constructed numerous low income housing projects, which have decreased the demand and value of vacant and improved property within the subject's market area. The appellant also noted Decatur Township has a declining population, also decreasing demand for the subject's type of rental property. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$3,940, which reflects an estimated market value of \$11,820.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$5,063 was disclosed. The subject's assessment reflects an estimated market value of \$15,250 or \$11.77 per square foot of living area including land using Macon County's 2006 three-year median level of assessments of 33.20%.

In response to the appeal, the board of review indicated the township assessor allocates 15% of property's value to determine land assessments based on a study of arm's-length market transactions of improved properties. The board of review argued arm's-length vacant land sales within Decatur Township are limited. The board of review also submitted five sales of vacant lots located in Decatur Township. Two of sales included two vacant lots. They sold from June 2004 to May 2006 for prices ranging from \$2,500 to \$8,000. Real Estate Transfer Declarations submitted by the board of review revealed none of the vacant land sales were advertised for sale nor exposed to the open market.

In support of the subject's assessed valuation, the board of review submitted property record cards, Real Estate Transfer Declarations, and a market analysis detailing three comparable sales. One sale is located in close proximity to the subject. The comparable sales consist of one and one-half story frame dwellings that were built from 1905 to 1943. The comparables have full or partial unfinished basements, two comparables have central air conditioning, and one comparables has a garage. The board of review's analysis shows the comparables as containing from 736 to 936 square feet of living area. However, the reported dwelling sizes do not include the one-half story sections in their amounts of living area. Property record cards indicate the comparables range in size from 1,194 to 1,404 square feet of living area. They sold from April to October of 2006 for prices ranging from \$20,000 to \$30,000 or from \$16.23 to \$21.37 per square foot of living area including land. Real Estate Transfer Declarations revealed comparable 2 was not advertised

for sale in the open market. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 183, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000). After an analysis of the evidence, the Board finds the appellant has overcome this burden.

The Property Tax Appeal Board gave little weight to the appellant's claim that the subject's land assessment is not reflective of its fair market value. The appellant submitted eight surplus properties of vacant residential lots that were to be sold at auction on October 10, 2007, by the Macon County Trustee. The minimum bid for these lots was \$600. The Board finds the subject parcel consists of real property including both land and improvements thereon. In Showplace Theatre Company v. Property Tax Appeal Board, 145 Ill.App 3d. 774 (2<sup>nd</sup> Dist. 1986), the court held an appeal to the Property Tax Appeal Board includes both land and improvements and together constitute a single assessment in this market value case. In Showplace, although the appellant only disputed the subject's land value based on a recent allocated sale price, the Appellate Court held the Property Tax Appeal Board jurisdiction was not limited to a determination of the land value alone. In accordance with Showplace, the Property Board Tax Appeal Board analyzed the subject's total assessment in making the determination on whether its assessment is reflective of its fair cash value.

The parties submitted six suggested comparable sales to support their respective positions regarding the subject's fair market value. The Property Tax Appeal Board gave diminished weight to the comparables submitted by the board of review. Comparable 1 is considerably newer in age than the subject; comparable 2 was not exposed to the open market, which does not meet one of the key elements of an arm's-length transaction; and comparables 2 and 3 are not located in close proximity to the subject.

The Property Tax Appeal Board finds the remaining three comparable sales that were submitted by the appellant to be most representative of the subject in location, age, size, design and features. They sold from March and September of 2006 for prices ranging from \$10,000 to \$14,600 or from \$7.12 to \$11.76 per square foot of living area including land. The subject's

assessment reflects an estimated market value of \$15,250 or \$11.77 per square foot of living area including land. After considering adjustments to the most similar comparables for any differences when compared to the subject, the Property Tax Appeal Board finds a reduction in the subject's assessed valuation is supported.

Based on this analysis, the Property Tax Appeal Board finds the appellant has demonstrated the subject property is overvalued by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is incorrect and a reduction is warranted.

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: June 27, 2008



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.