

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Curt Jackson
DOCKET NO.: 06-01168.001-R-1
PARCEL NO.: 04-12-14-256-010

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-story frame dwelling containing 938 square feet of living area that was built in 1910. Features include a partial unfinished basement.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant presented Multiple Listing Sheets (MLS) for 24 suggested comparable sales. However, the appellant primarily relied on three comparables in support of the overvaluation claim. These comparables consist of two, one-story and a part one-story and part two-story style frame or brick dwellings that were built from 1915 to 1951. One comparable has a full unfinished basement and two comparables have a crawlspace or a concrete slab foundation. The dwellings range in size from 672 to 954 square feet of living area and sold from December 2005 to August 2006 for prices ranging from \$3,150 to \$6,000.

The appellant testified he is a graduate of Eastern Illinois University with a degree in business management. He testified he was a Real Estate agent in Decatur for ten years while simultaneously being a landlord of rental property. In total, Jackson testified he has 35 years of experience and is an expert in the Real Estate market in Decatur, Illinois. The appellant 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 further argued Decatur Township has a declining population, also decreasing demand for the subject's

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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:	\$	190
IMPR.:	\$	2,935
TOTAL:	\$	3,125

Subject only to the State multiplier as applicable.

type of rental property. Jackson argued at least six of his rental properties have been vacant for two years, noting the array of criminal activities that occur in the subject's neighborhood. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$1,333, which reflects an estimated market value of \$3,999.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$4,917 was disclosed. The subject's assessment reflects an estimated market value of \$14,810 or \$15.79 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 a 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 the vacant land sales were not 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. The comparables consist of one-story or one and one-half story frame dwellings that were built from 1900 to 1925. The comparables have unfinished basements and one comparable contains central air conditioning. The dwellings range in size from 866 to 1,217 square feet of living area and sold from June 2005 to August 2006 for prices ranging from \$12,900 to \$20,500 or from \$13.44 to \$23.67 per square foot of living area including land. Real Estate Transfer Declarations revealed comparable 2 was not advertised for sale. 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 (2nd Dist. 2000). After an analysis of the evidence, the Board finds the appellant has overcome this burden.

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 less weight to the appellant's comparables. Comparables 1 and 2 have a crawl space or a concrete slab foundation, dissimilar to the subject's basement. Comparable 3 is of a dissimilar design when compared to the subject. The Property Tax Appeal Board also gave less weight to comparables 2 and 3 submitted by the board of review. Comparable 2 was not advertised for sale nor exposed to the open market, which does not meet one of the fundamental elements of an arm's-length transaction. In addition, comparable 3 is a one and one-half story dwelling, dissimilar to the subject's one-story design.

The Property Tax Appeal Board finds the remaining comparable sale that was submitted by the board of review to be most representative of the subject in location, age, size, design and features. It sold in August 2006 for \$12,900 or \$13.44 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$14,810 or \$15.79 per square foot of living area including land, which is higher than the only similar comparable sale contained in this record. After considering adjustments to the most similar comparable for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's assessed valuation is not 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.