

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Frank Pearson & Donna Pearson  
DOCKET NO.: 06-02166.001-R-1  
PARCEL NO.: 13-36-300-007

The parties of record before the Property Tax Appeal Board are Frank Pearson & Donna Pearson, the appellants; and the Cumberland County Board of Review.

The subject property consists of a .74-acre parcel improved with a one-story style frame dwelling, built in 1947, that contains 1,248 square feet of living area. Features include a 576 square foot garage and a partial unfinished basement.

Appellant Donna Pearson appeared before the Property Tax Appeal Board claiming overvaluation, contention of law and unequal treatment in the assessment process as the bases of the appeal. In support of the overvaluation argument, the appellants' petition indicated the subject property had sold in March 2006 for \$40,000. The appellants indicated the sale was not between relatives or related corporations, the property was advertised for sale through multiple listing and that no contract for deed or mortgage assumption was involved.

In support of the inequity argument, the appellants submitted a letter that included limited information on three comparable properties located within one mile of the subject. Comparable 1 was described as having 16 acres, one house, 4 barns and two garages. Comparable 2 was described as containing 5.5 acres, one house, two barns and two garages. Comparable 3 was described as a new home on 20 acres with 5 barns. No parcel numbers, land or improvement assessment data, or other descriptive information regarding these properties was submitted. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal", wherein the subject property's total assessment of \$18,324 was disclosed. The subject has an estimated market value of \$55,326 or \$44.33 per square foot of living area including

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

LAND:	\$	2,667
IMPR.:	\$	14,887
TOTAL:	\$	17,554

Subject only to the State multiplier as applicable.

land, as reflected by its assessment and Cumberland County's 2006 three-year median level of assessments of 33.12%.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a letter, photographs and property record cards for three comparable properties and a copy of the Real Estate Transfer Declaration which documents the subject's sale in February 2006 for \$53,000. The board of review submitted no evidence indicating this sale was not an arm's length transaction. In further support of the subject's estimated market value as reflected by its assessment, the board of review submitted information on three comparable sales located near the subject. The comparables consist of parcels ranging in size from 2.011 to 5.242 acres that are improved with one-story frame dwellings that were built between 1888 and 1955. The comparable dwellings range in size from 1,058 to 1,335 square feet of living area. All three comparables have pole barns, a barn or a shed, two have detached garages that contain 420 and 576 square feet of building area and one comparable has a fireplace. The comparables sold between March 1997 and July 2006 for prices ranging from \$61,250 to \$63,000 or from \$45.88 to \$58.50 per square foot of living area including land.

In support of the subject's land assessment, the board of review submitted land assessment information on the same three comparables used to support the subject's estimated market value. The comparables had land assessments ranging from \$3,273 to \$5,210 or from \$994 to \$1,628 per acre of land area.

In support of the subject's improvement assessment, the board of review submitted description and assessment information on the same three comparables used to support the estimated market value. The comparables had improvement assessments ranging from \$9,830 to \$18,071 or from \$8.71 to \$13.54 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 property's assessment is warranted. The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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). The Board finds the appellants have met this burden of proof and a reduction in the subject's assessment is warranted.

Regarding the overvaluation contention, the Board finds the appellants' petition indicated the subject sold in March 2006 for \$40,000. The board of review submitted the subject's Real Estate

Transfer Declaration, which details the subject's sale in February 2006 for \$53,000. This document indicates the subject was advertised for sale and did not involve a sale between relatives or related corporations and that "the net consideration for real property" was \$53,000. The Board further finds the board of review submitted three comparable sales in support of the subject's assessment. The Board gave little weight to the board of review's comparable 1 because it was significantly older than the subject and sold in 1997, too long before the subject's January 1, 2006 assessment date to provide a reliable indication of the subject's market value. The Board finds the board of review's comparables 2 and 3 sold for prices of \$53.21 and \$58.50 per square foot of living area including land. The Board finds these comparables were superior to the subject in that each had a shed or pole barn and each had more land than the subject.

The Illinois Supreme Court defined fair cash value as what 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 of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1<sup>st</sup> Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc., 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967), and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Property Tax Appeal Board finds that the best evidence of the subject's market value is its February 2006 sale for \$53,000. The Board finds neither party submitted any evidence to indicate the sale was not an arm's length transaction. The subject's estimated market value as reflected by its assessment is \$55,326, which is higher than the subject's sale price. Therefore, the Board finds the evidence in the record supports a reduction to reflect the subject's February 2006 sale for \$53,000. Since market value has been established, Cumberland County's 2006 three-year median level of assessments of 33.12% shall apply.

The appellants also argued unequal treatment in the assessment process as a basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not overcome this burden.

The Board finds the appellants submitted limited information on three comparable properties, but failed to describe the comparables adequately and failed to submit either land or improvement assessment data on the comparables. For this reason, the Board was unable to determine the similarities and differences of these properties in relation to the subject and gave no weight to the appellants' comparables. Therefore, the Board finds the appellants have failed to meet their burden of proving inequity by clear and convincing evidence and no further reduction in the subject's assessment beyond that granted in the Board's finding regarding the overvaluation contention 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.



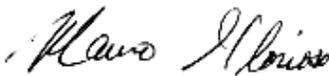
Chairman



Member

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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: December 19, 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.