PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Ronald Bombliss
DOCKET NO.: 06-02185.001-R-1
PARCEL NO.: 12-23-327-008

The parties of record before the Property Tax Appeal Board are Ronald Bombliss, the appellant, and the Knox County Board of Review.

The subject property consists of a corner, irregularly-shaped, unimproved lot of approximately 7,496 square feet of land area. The parcel is located in Williamsfield, Truro Township, Knox County, Illinois.

The appellant's petition indicated overvaluation as the basis of the appeal.[1] In support of the overvaluation argument, appellant presented evidence of the purchase of the subject property at a public, sealed-bid auction held by the Knox County Delinquent Tax Agent on February 7, 2006 for $600 after the property had been advertised for one month. Appellant further asserted the subject property was formerly a gas station which still contains underground storage tanks making it hazardous and unusable according to the EPA until efforts are taken to remediate the property. Based on the foregoing, appellant requested a reduction in the land assessment of the subject property to $225 or reflecting an approximate fair market value of $675.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $800 was disclosed. Based on the assessment, the subject has an estimated fair market value of $2,405 utilizing the 2006 three-year median level of assessments for Knox County of 33.27%. In support of the subject's current assessment, the board of review presented a letter from Chris Gray, Chief County Assessment Officer of Knox County, explaining the basis for the assessment along with an aerial photograph of the subject property and both equity and sales comparison grids of suggested comparable properties.

[1] Assessment equity was also checked as a basis for the appeal, but no comparable data was provided to establish lack of uniformity in the assessment of the subject parcel.

(Continued on Next Page)

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

LAND:	$	200
IMPR.:	$	0
TOTAL:	$	200

Subject only to the State multiplier as applicable.

PTAB/cck/5-12

In the letter, the Chief County Assessment Officer (CCAO) noted the subject property received an assessment reduction before the Knox County Board of Review due to the possible EPA problems which may exist on this parcel due to "the old gas station that sits on the parcel just to the north of the subject lot." (See aerial photograph). The CCAO further argued and supplied a copy of the same public record dated September 26, 2005 previously submitted by the appellant which reflected a minimum bid price of $485.00 and "possible EPA problems" regarding the subject property. Based on this evidence, the CCAO contended appellant was aware of potential contamination prior to the time of purchase.

The letter further indicated the board of review did not reduce the assessment to reflect the appellant's purchase price, "because this was a 'tax sale' purchase. This was not an arm[']s length transaction sale. No 'tax sale' purchase is adjusted to sale price, so it would be unfair to all other taxpayers in Knox County to adjust the appellant[']s property to sale price."

In further support of the assessment, the board of review next presented an equity comparison grid of five suggested comparable lots located on the same block as the subject. The letter noted prior to its sale, the subject property was designated commercial, thus one of the comparables is a commercial lot; after the sale, the assessor re-classified the subject property as residential so the remaining four comparables presented are residential lots. The letter from the CCAO also explained land is assessed on a front-foot basis. The subject property, with access on Gale Street, is deemed to have 140' of frontage or an assessment of $5.71 per front-foot. The comparable properties ranging in size from 4,405 to 18,751 square feet of land area have front footages ranging from 27' to 125' and have front-foot assessments ranging from $15.22 to $39.26 per front-foot. Based on this data, the board of review concludes the subject's current land assessment is considerably lower than any of the neighboring properties because of the possible EPA problems.

Finally, the board of review presented a grid analysis of three suggested comparable vacant lot sales. A map depicts the locations in relation to the subject property and the CCAO's letter describes the comparables as being in the "newer outlying areas" of Williamsfield which are selling for higher prices and are more valuable than the "in the middle of town" areas. The comparable lots ranged in size from 16,250 to 41,072 square feet of land area and have front-footages ranging from 100' to 151'. These parcels sold between November 2001 and September 2005 for prices ranging from $7,000 to $8,000 or from $52.98 to $70.00 per front-foot. The subject's current assessment reflects an estimated market value of $2,405 or $17.18 per front-foot. Based on this evidence, the board of review contended that the subject's assessment was appropriate for the property and requested confirmation of the 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 property's assessment is warranted.

The appellant argued the subject property's assessment was not reflective of its fair 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). The Board finds the appellant has overcome this burden.

The Board finds the subject property sold in February 2006 for $600 after having been made available in a public, sealed bid auction for at least one month based on the unrefuted evidence in the record. Furthermore, the public record submitted by both parties suggests that the subject property was made available for purchase through a public, sealed bid auction as of September 26, 2005 meaning that it may have been exposed to the market for more than one month. The board of review did not contest that the 'sale price' was $600. The board of review maintained that it does not view 'tax sale' purchases as arm's-length transactions and reducing the subject property's assessment to its purchase price would result in a lack of uniformity. In light of the appellant's claim made before the Property Tax Appeal Board, the board of review's equity evidence has not been considered relevant in this proceeding.

The Property Tax Appeal Board notes that the Illinois Supreme Court has indicated that a sale of property during a tax year in question is a "relevant factor" in considering the validity of an assessment. People ex rel. Munson v. Morningside Heights, 45 Ill. 2d 338, 259 N.E.2d 27 (1970). Furthermore, the Property Tax Code provides that, except in counties with more than 200,000 inhabitants which classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)).

The Illinois Supreme Court defined fair cash value as 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 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 (1st 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). Additionally, Section 1-50 of the Property Tax Code defines fair cash value as:

> The 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 board of review presented no facts beyond the assertion that this was a "tax sale" to establish that the instant sale transaction of February 2006 was not an arm's length transaction. Furthermore, the board of review provided no evidence that the subject's February 2006 sale price did not reflect the subject's market value. Therefore, the Property Tax Appeal Board finds the best evidence contained in the record of the subject's fair market value as of its January 1, 2006 assessment date is its February 2006 sale price of $600. Moreover, this sale is probative, credible evidence that the subject's assessment established by the board of review, which reflects an estimated market value of $2,405, is not an accurate indication of value as of January 1, 2006.

In conclusion, the Board finds the appellant has met his burden of proving overvaluation by a preponderance of the evidence. On the basis of the sale price, the Property Tax Appeal Board finds that the subject had a fair market value of $600 as of January 1, 2006. Since fair market value has been established, the 2006 three-year weighted average median level of assessments for Knox County of 33.27% shall apply.

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: May 27, 2009

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.