



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

APPELLANT: Richard Cataldo  
DOCKET NO.: 06-02346.001-R-1  
PARCEL NO.: 06-21.0-221-010

The parties of record before the Property Tax Appeal Board are Richard Cataldo, the appellant; and the St. Clair County Board of Review.

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

**LAND:** \$8,667  
**IMPR.:** \$36,216  
**TOTAL:** \$44,883

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a split-level frame and brick dwelling containing 1,189 square feet of living area that was built in 2005. Features include a partial basement, central air conditioning and an attached garage. The subject's improvement is commonly known as a "Hampton" model dwelling.

The appellant submitted evidence before the Property Tax Appeal Board arguing the subject's assessment is not reflective of its fair market value. In support of the overvaluation argument, a settlement statement was submitted indicating the appellant purchased the subject's new construction on February 18, 2005, for \$134,986. Based on this evidence, the appellant 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 final assessment of \$57,654 was disclosed. The subject's assessment reflects an

estimated market value of \$173,396 using St. Clair County's 2006 three-year median level of assessments of 33.25%.

In response to the appeal, the board of review indicated the subject's has an errant preferential land assessment of \$461 due application of the developer's exemption. (35 ILCS 200/10-30). Thus, the board of review argued the subject's land assessment should be increased \$8,667. In addition, the board of review offered to reduce the subject's improvement assessment to \$39,300, resulting in a total assessment of \$47,967. The appellant rejected this proposed assessment.

In support of the subject's assessment, the board of review submitted a price schedule from the builder who constructed the subject dwelling for years 2006 and 2007. The schedule lists a display "Hampton" model dwelling like the subject offered for sale at \$143,000. Based on this evidence, the board of review requested a reduction in the subject's assessment commensurate with the proposal of \$47,967, which reflects an estimated market value of \$143,901.

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 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). The Board finds the appellant has overcome this burden.

The Property Tax Appeal Board finds the best evidence of the subject property's fair market value is its February 2005 sale price of \$134,986, which occurred only 10 months prior to the subject's January 1, 2006, assessment date. The subject's total assessment reflects an estimated market value of \$173,396 using St. Clair County's 2006 three-year median level of assessment of 33.25%, which is considerably higher than its sale price. From a review of this record, the Board finds the subject's sale appears to meet the fundamental elements of an arm's-length transaction. The evidence disclosed the subject's model dwelling was advertised for sale on the open market, the buyer and seller were not related parties, nor were the parties under duress to complete the transaction. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the seller 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 Board finds this record is void of any evidence suggesting the subject's transaction was not of an arm's-length nature.

Based on this analysis, the Property Tax Appeal Board finds that the appellant has proven that the subject property is overvalued by a preponderance of the evidence. Since fair market has been established, St. Clair County's 2006 three-year median level of assessment of 33.25% 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*Shawn R. Lerbis*

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: January 26, 2010

*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.