

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Kenneth J. Spisak Jr. (TRUST)
DOCKET NO.: 06-02573.001-R-1
PARCEL NO.: 06-03.0-241-026

The parties of record before the Property Tax Appeal Board are Kenneth J. Spisak Jr. (TRUST), the appellant, and the St. Clair County Board of Review.

The subject property consists of a 6,800 square foot parcel located in Centreville Township, St. Clair County, which has been improved with a one-story single family dwelling of frame exterior construction built in 1957. The dwelling contains 965 square feet of living area and has a concrete slab foundation. Features include central air conditioning and a concrete patio along with a 12' by 9' shed with a dirt floor.

Based on their respective pleadings in this matter, the parties presented no objection to a decision being rendered on the evidence submitted in the record. Therefore, the decision of the Board contained herein shall be based upon the evidence contained in and made a part of this record.

In support of this overvaluation complaint, the appellant submitted a grid analysis with sales of three comparable properties located from one to seven blocks from the subject property along with a copy of the Settlement Statement reflecting purchase of the subject property in April 2005 for \$21,000. Appellant also submitted Settlement Statements for sales comparables #1 and #2, a multiple listing service sheet for comparable #3 and black and white photographs of the subject and comparable dwellings. Furthermore, while the appellant described the subject dwelling as being 50+ years old, the property record for the property filed by the board of review reflects that it was built in 1957 which would make the subject dwelling 49 years old as of the assessment date at issue.

In the grid analysis, appellant described the three sales comparables as consisting of parcels ranging from 6,050 to 7,500 square feet of land area, each having been improved with a one-story frame dwelling of 50 years in age. The dwellings range in size from 864 to 925 square feet of living area and each features

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

LAND:	\$	4,176
IMPR.:	\$	3,708
TOTAL:	\$	7,884

Subject only to the State multiplier as applicable.

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central air conditioning. One comparable has a carport and one comparable includes a concrete patio. These properties sold from November 2004 to January 2006 for prices ranging from \$22,000 to \$28,000 or from \$24.77 to \$32.41 per square foot of living area, including land.

In addition, appellant also documented the recent sale of the subject property which occurred in April 2005 for a purchase price of \$21,000 or \$21.76 per square foot of living area including land.

Based on the foregoing evidence, appellant requested a total assessment for the subject property of \$7,884 which, based on the 2006 three-year median level of assessments in St. Clair County of 33.25% as determined by the Illinois Department of Revenue, would result in an estimated market value for the subject property of approximately \$23,711.

The board of review submitted its "Board of Review Notes on Appeal" as required by the Property Tax Appeal Board wherein the subject's final equalized assessment of \$15,674 was disclosed. The final equalized assessment of the subject property reflects an estimated fair market value of \$47,140 or \$48.85 per square foot of living area including land using the 2006 three-year median level of assessments for St. Clair County of 33.25%. The board of review, in response to the appellant's data, noted that the appellant's suggested comparable sales were special warranty deeds; "financial institutions to individuals - no qualified sales." Evidentiary support filed included copies of appellant's comparable sales #1, #2 and #3's "Special Warranty" Deeds with an additional notation indicating the prior sale of comparable #3 had been for \$53,000.

In support of the current equalized assessment, the board of review submitted a grid analysis of four suggested comparable sales located in the subject's subdivision and which the board of review characterized as "qualified" along with a map depicting the location of the comparables and property record cards of the subject and comparables presented. The grid analysis failed to indicate the lot sizes of the comparables. These sales comparables consisted of one-story frame dwellings built in 1957 ranging in size from 864 to 925 square feet of living area. Each dwelling had a concrete slab foundation, central air conditioning, and concrete paver. Three of the comparables had garages ranging in size from 396 to 850 square feet of building area. The board of review reported that these four comparables sold between July 2005 and June 2006 for purchase prices ranging from \$41,500 to \$75,000 or from \$48.03 to \$81.08 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's equalized assessment.

After reviewing the record and considering the evidence submitted by the parties, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this

appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant argued that the subject's assessment was not reflective of 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. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.65(c). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board finds the fairly recent sale price of the subject property is the best evidence of value in this record. The assessment date at issue is January 1, 2006; the subject property sold about eight months earlier for \$21,000. The board of review made no challenge to the subject's sale transaction as not being reflective of market value. In Illinois, property is to be assessed at 33 1/3% of its "fair cash value." 35 ILCS 200/9-145. The term "fair cash value" is defined as what a willing buyer will pay a willing seller in an arm's length transaction." 35 ILCS 200/1-50. The board of review failed to challenge the arm's length nature of the sale transaction of the subject property.

The Property Tax Appeal Board recognizes that the board of review presented comparable sales data of properties in similar location, design, age and size to the subject which set forth dramatically higher sales prices per square foot than the subject in that they ranged from \$48.03 to \$81.08 per square foot of living area including land. Key to this analysis, however, is that there was no explanation by the board of review why the subject's purchase price should not be considered the best evidence of value. Despite these sales of these neighboring properties, the evidence is clear that the subject was purchased in April 2005 for \$21.76 per square foot of living area including land.

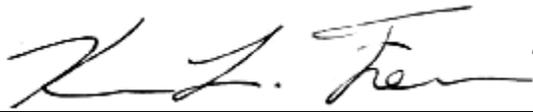
The Property Tax Appeal Board finds that, despite the stark differences between the sale price of the subject property and the comparables utilized by the board of review, the subject's sale price of \$21,000 in April 2005 is the unchallenged and unrefuted best evidence of the subject's market value in the record. Since the subject property's current assessment reflects a market value of \$47,140 or \$48.85 per square foot of living area including land using the 2006 three-year median level of assessments for St. Clair County of 33.25%, the Property Tax Appeal Board finds that the subject property is overvalued as of January 1, 2006. Therefore, a reduction in the subject's

assessment commensurate with the appellant's request 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

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 5, 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.