

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Kenneth J. Spisak Jr. (TRUST)
DOCKET NO.: 06-02574.001-R-1
PARCEL NO.: 06-02.0-308-019

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 7,200 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 1970. The dwelling contains 936 square feet of living area and has a concrete slab foundation. Features include central air conditioning.

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 comparable properties located from one-half to three-quarters of a mile from the subject property. Beside the data set forth in the grid analysis, the only other information about the comparable properties filed by the appellant was black and white photographs of each of the 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 1970 which would make the subject dwelling 36 years old as of the assessment date at issue.

In the grid analysis, appellant described the 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 965 square feet of living area and each features central air conditioning. One comparable has a carport and one comparable includes a one-car garage. These properties sold from November 2004 to January 2006 for prices ranging from \$21,000 to

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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: \$ 4,626
IMPR.: \$ 4,914
TOTAL: \$ 9,540

Subject only to the State multiplier as applicable.

\$28,000 or from \$21.76 to \$32.41 per square foot of living area, including land.

In addition, appellant reported a recent sale of the subject property which occurred in December 2004 for a purchase price of \$25,000 or \$26.71 per square foot of living area including land. While appellant, as owner of three of the four suggested sales comparables, submitted copies of settlement statements reflecting the purchases of Comparables #1, #2, and #3, no such copy of a settlement statement was provided for the subject and recent sale was not a basis of the appeal on the petition.

Based on the foregoing evidence, appellant requested a total assessment for the subject property of \$9,540 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 \$28,692.

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 \$16,047 was disclosed. The final equalized assessment of the subject property reflects an estimated fair market value of \$48,262 or \$51.56 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 not in the same subdivision as the subject and the referenced sales were special warranty deeds.

In support of the current equalized assessment, the board of review submitted a grid analysis of six suggested comparable sales which were located in the same subdivision and within four blocks of the subject property. The parcels consisted of either 7,200 or 8,320 square feet of land area, each having been improved with a one-story frame dwelling which was built between 1957 and 1970 and which ranged in size from 936 to 1,404 square feet of living area. One comparable had a full basement and the remainder had concrete slab foundations. Four of the properties included central air conditioning. Additional features of three of the properties were a garage and/or carport and five of the properties were said to have other improvements such as concrete paver, asphalt, and/or a patio. The board of review reported that these six comparables sold between March 2005 and December 2006 for purchase prices ranging from \$58,000 to \$84,600 or from \$54.13 to \$77.46 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 thirteen months earlier for \$25,000. 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 \$61.97 to \$77.46 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 December 2004 for \$26.71 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 \$25,000 in December 2004 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 \$48,262 or \$51.56 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.

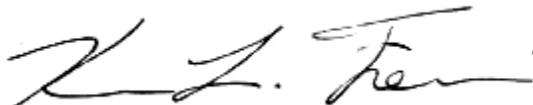
Therefore, as requested by the appellant, the Board finds that the subject's market value as of January 1, 2006 is \$28,692;

based upon this market value, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for St. Clair County for 2006 of 33.25% shall be applied.

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.