



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

APPELLANT: Michael Porter
DOCKET NO.: 07-05115.001-R-1
PARCEL NO.: 21-27.0-302-010

The parties of record before the Property Tax Appeal Board are Michael Porter, the appellant, and the St. Clair County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$1,785
IMPR.: \$28,992
TOTAL: \$30,777

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 6,300 square feet is improved with a 97-year old, one-story dwelling of frame exterior construction. The dwelling contains 1,700 square feet of living area and has a crawl-space foundation, central air conditioning, a fireplace, and a one-car garage. The property is located in Marissa, Marissa Township, St. Clair County.

The appellant's appeal is based on overvaluation of the subject property. The appellant reported the subject property was purchased in April 2006 for \$98,000 from the previous owner who was unrelated to the appellant/buyer. The property had been advertised for sale with a sign in the yard for an unknown period of time prior to sale. In further support of this market value argument, the appellant submitted very limited information on three sales comparables located in close proximity to the subject. Comparable #1 was said to have a one-story frame dwelling of 1,100 square feet of living area, central air conditioning and a 300 square foot garage that sold in August 2007 for \$52,500. No improvements or land size were described

for appellant's comparables #2 and #3 which reportedly sold in September 2006 and July 2007 for \$88,000 and \$115,000, respectively. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$30,000 which would reflect an estimated market value of approximately \$90,000 for the subject property.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$30,777 was disclosed. The subject's equalized assessment reflects an estimated market value of \$92,092 using the 2007 three-year median level of assessments for St. Clair County of 33.42%.

In support of the subject's assessment, the board of review wrote that the subject was purchased in April 2006 for \$98,000. Based on this evidence, the board of review requested confirmation of the subject's equalized 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.¹ The Board further finds a reduction in the subject's assessment is not warranted.

The appellant contends the assessment of the subject property is excessive and not reflective of its 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 evidence in the record does not support a reduction in the subject's assessment.

The evidence disclosed that the subject was purchased in April 2006, 8 months prior to the assessment date of January 1, 2007, for a price of \$98,000. The information provided by the appellant indicated the sale had the elements of an arm's length transaction.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so."

¹ The appellant included the Notice of Final Decision from the St. Clair County Board of Review that was dated April 25, 2008 and indicated the final 2007 assessment of the subject property before equalization was \$30,000. In its "Board of Review Notes on Appeal" the board of review reported that the multiplier notice with an equalization factor of 1.0259 was postmarked on May 30, 2008. Thus, the appellant's appeal which was postmarked on June 24, 2008 was timely filed to contest the equalization notice and as such, appellant sought a reduction in assessment to the pre-equalized valuation.

Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). 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). In light of this holding, the comparable sales submitted by the appellant have been given less weight.

The Board finds the best evidence of the subject's fair market value in the record is the April 2006 purchase for \$98,000. The Property Tax Appeal Board finds the sale was not a transfer between family or related parties; the property was advertised for sale by signage. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value. Moreover, the board of review did not contest the arm's-length nature of the subject's sale, thus, based on the foregoing facts, the Property Tax Appeal Board finds the subject's April 2006 sale price of \$98,000 was arm's-length in nature.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$98,000 on January 1, 2007. Since the subject's equalized assessment reflects a lower estimated market value of \$92,092, the Board finds that a reduction in the subject's assessment is not warranted on this record.

The appellant also submitted a total of three sales for the Board's consideration. There is insufficient descriptive information regarding the parcel size and/or improvements on the parcels to make a reasoned determination if the properties are similar to the subject. All that can be said on this record is that appellant submitted three sales located in close proximity to the subject, one of which was improved with a 1,100 square foot frame one-story home. The properties sold between September 2006 and August 2007 for prices ranging from \$52,500 to \$115,000. The subject's assessment reflects a market value of approximately \$92,092 using the three-year median level of assessments for St. Clair County of 33.42%. The Board finds the subject's assessment reflects a market value that falls within the range established by the comparable sales presented by the appellant.

Given the evidence presented, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive

in relation to its market value based either on its recent sale price or on comparable sales and as such, a reduction in the subject's assessment is not 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.

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: July 23, 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.