



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

APPELLANT: Kevin and Joy Rafferty
DOCKET NO.: 07-05165.001-R-1
PARCEL NO.: 10-30.0-112-012

The parties of record before the Property Tax Appeal Board are Kevin and Joy Rafferty, the appellants; 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: \$ 16,269
IMPR.: \$ 51,815
TOTAL: \$ 68,084

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame and masonry dwelling containing 1,742 square feet of living area that was built in 2006. Amenities include an unfinished basement, central air conditioning, a fireplace, and a 702 square foot attached garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming both overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of these arguments, the appellant submitted property record cards and an analysis detailing four suggested comparables located in close proximity to the subject property.

The comparables consist of one-story frame and masonry dwellings that were built in 2006 or 2007. The comparables have unfinished basements, central air conditioning, one fireplace and attached garages that range in size from 484 to 758 square feet. The dwellings range in size from 1,816 to 2,102 square feet of living area. The comparables sold from January to August of 2007 for

prices ranging from \$217,000 to \$305,118 or from \$117.87 to \$146.20 per square foot of living area including land.

The comparables also have equalized improvement assessments¹ ranging from \$52,329 to \$55,433 or from \$25.25 to \$28.82 per square foot of living area. The subject property has an equalized improvement assessment of \$51,815 or \$29.75 per square foot of living area.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$61,558.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$68,084 was disclosed. The subject's assessment reflects an estimated market value of \$203,722 or \$116.95 per square foot of living area including land using St. Clair County's 2007 three-year median level of assessments of 33.42%.

In support of the subject's assessment, the board of review argued the comparables submitted by the appellant do not support a reduction in the subject's assessment. The board of review also indicated the appellant purchased the subject property on June 30, 2006 for \$222,815, which is more than its estimated market value as reflected by its assessment. Based on this evidence, the board of review requested confirmation of the subject's 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 these appeals. The Board further finds no reduction in the subject's assessment is warranted.

The appellant argued unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden of proof.

The appellant submitted descriptions and assessment data on four suggested comparables for the Board's consideration. The Property Tax Appeal Board finds the comparables were generally similar to the subject in location, design, age and features, but

¹ The appellant did not include the township equalization of 1.0457% applied to the subject and comparables 2007 assessments after board of review action. The Property Tax Appeal Board considered the final equalized assessments of the subject and comparables in its analysis.

the comparables are slightly larger than the subject. They have equalized improvement assessments ranging from \$52,329 to \$55,433 or from \$25.25 to \$28.82 per square foot of living area. The subject property has an equalized improvement assessment of \$51,815 or \$29.75 per square foot of living area. The Board finds the subject's improvement assessment is lower than all the comparables, but higher than the comparables on per square foot basis. The Board further finds the subject's slightly higher per square foot improvement assessment to be mathematically insignificant and follows accepted real estate valuation theory. Accepted real estate valuation theory provides, all other physical factors being equal, as the size of a property increases, its per unit value decreases. Likewise, as the size of a property decreases, its per unit value increases. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's slightly higher per square foot improvement assessment is justified give its slightly smaller size in relation to the comparables. Therefore, the Board finds no reduction in the subject's improvement assessment is warranted.

The appellant also 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 (2nd Dist. 2000). The Board finds the appellant has not met this burden of proof.

The Illinois Supreme Court has 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).

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for \$222,815 on June 30 2006, just six months prior to the subject's January 1, 2007 assessment date. The Board finds this record is void of any evidence showing the subject's sale was not an arm's-length transaction. Based on this analysis, the Board finds the best evidence of the subject's fair market is its June 2006 sale price of \$222,815, which is considerably less than the subject's estimated market value of \$203,722 as reflected by its assessment.

The Property Tax Appeal Board further finds the appellant submitted three suggested comparable sales that further support the subject's assessed valuation. The comparables sold from January to August of 2007 for prices ranging from \$217,000 to \$305,118 or from \$117.87 to \$146.20 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$203,722 or \$116.95 per square foot of living area including land, which is less than the comparables sales submitted by the appellant. Based on this analysis, the Board finds the preponderance of the evidence suggested the subject property is under-assessed in relation to its fair cash value.

In conclusion, the Property Tax Appeal Board finds the appellant failed to establish that the subject property was inequitably assessed by clear and convincing evidence or overvalued by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is correct and no reduction 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.

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: December 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.