



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

APPELLANT: Keona Willis
DOCKET NO.: 07-05692.001-R-1
PARCEL NO.: 06-02.0-300-001

The parties of record before the Property Tax Appeal Board are Keona Willis, 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: \$ 4,742
IMPR.: \$ 8,426
TOTAL: \$13,168**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling that contains approximately 1,000 square feet of living area that was built in 1964. The subject property is located in Centerville Township, St. Clair County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a Settlement Statement indicating the subject property sold in an arm's-length transaction on August 17, 2006 for \$39,400.

In a letter the appellant argued property values are declining due to the foreclosure market. The appellant also argued she attempted to sell the subject property for \$19,000, but submitted no evidence to support this claim. The appellant also submitted a comparable sale with varying degrees of similarity when compared to the subject. It sold in November 2008 for \$27,000. 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's final equalized assessment of \$13,293 was disclosed. The subject's assessment reflects an estimated market value of \$39,776 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 that the appellant purchased the subject property in August 2006 for \$41,000. Therefore, 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 a slight reduction in the subject'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 (2nd Dist. 2000). The Board finds the appellant has 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 \$39,400 in August 2006, just four 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 August 2006 sale price of \$39,400 which is slightly less than its estimated market value of \$39,776 as reflected by its assessment. Therefore, a slight reduction in the subject's assessment is warranted.

The Property Tax Appeal Board gave little weight to the comparable sale submitted by the appellant. The Board finds a single sale fails to establish a credible value indicator for the subject and does not overcome the subject's 2006 arm's-length sale price. Finally, the Board gave little weight to the board

of review's contention that the subject property sold in August 2006 for \$41,000. The Property Tax Appeal Board finds the board of review failed to submit any corroborating documentation, such as Real Estate Transfer Declaration, to demonstrate the subject property sold for \$41,000. In contrast, the appellant submitted a Settlement Statement demonstrating the property sold in August 2006 for \$39,400.

Based on this analysis, the Board finds the preponderance of the evidence suggested the subject property is slightly over-assessed and a slight 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 M. Louie

Member

Shawn R. Lerski

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.