



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

APPELLANT: Pieter & Stephanie Kruger
DOCKET NO.: 08-00051.001-R-1
PARCEL NO.: 09-02-34-112-011

The parties of record before the Property Tax Appeal Board are Pieter & Stephanie Kruger, the appellants; and the Douglas 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 Douglas County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$5,040
IMPR.: \$34,650
TOTAL: \$39,690

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling containing 1,433 square feet of living area that was built in 1920. Features include a partial unfinished basement, central air conditioning and a 286 square foot garage.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants submitted a contract indicating the appellant and the subject's prior owner agreed to purchase/sell the subject property for \$123,300 in April 2008. The appellants' appeal petition indicates the transaction was completed in May 2008 for \$123,300. The appeal petition indicates the subject property was advertised for sale in the open market for 14 months through the Multiple Listing Service with a Realtor and the parties involved in the transaction were un-related.

In further support of the overvaluation claim, the appellant submitted four suggested comparable sales with vary degrees of

similarity when compared to the subject. The dwellings range in size from 1,238 to 1,999 square feet of living area. They sold from March 2001 to March 2007 for sale prices ranging from \$65,000 to \$99,000 or from \$43.77 to \$71.01 per square foot of living area including land. Based on this evidence, the appellants 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 assessment of \$43,395 was disclosed. The subject's assessment reflects an estimated market value of \$134,809 or \$94.08 per square foot of living area including land using Douglas County's 2008 three-year median level of assessment of 32.19%.

In support of the subject's assessment, the board of review submitted property record cards and a market analysis of three suggested comparable sales. The comparables have varying degrees of similarity when compared to the subject. The dwellings range in size from 1,692 to 2,613 square feet of living area. They sold from August 2007 to June 2008 for prices ranging from \$117,000 to \$139,900 or from \$44.77 to \$73.88 per square foot of living area including land.

In a letter addressing the appeal, the county assessor outlined some reasons why the comparables submitted by the appellants should not be considered similar to the subject and why the comparables submitted by the board of review are more similar to the subject. In its submission of evidence, the board of review acknowledged the appellants purchased the subject property in May 2008 for \$123,300, but failed to address its sale price as evidence of fair market value. The board of review also submitted a MLS (Multiple Listing Service) sheet and sales flier showing the subject property was originally listed for sale at \$172,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants submitted documentation showing that the subject listing price was reduced to \$129,950 prior to their purchase. The appellants also pointed out some similarities and dissimilarities of both parties' comparables in relation to the subject.

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. The Board further finds a reduction in the subject's assessment is warranted.

The appellants 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 appellants have overcome this burden for multiple reasons.

First, the Board finds this record is un-refuted that the subject's last known listing price prior to sale was \$129,950, which sets the upper limit of value for the subject property. The subject's assessment reflects an estimated market value of \$134,809, which is not supported by the subject's last known listing price.

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 is void of any evidence showing the subject's sale was not an arm's-length transaction. Furthermore, the Board finds the evidence shows the subject's transaction meets the fundamental elements of an arm's-length transaction. The buyer and seller were un-related; neither party was under duress to buy or sell; and that the subject property was exposed to the open market for a reasonable amount of time. Based on this analysis, the Board finds the best evidence of the subject's fair market value is its May 2008 arm's-length sale price of \$123,300 or \$86.04 per square foot of living area including land, which is less than the subject's estimated market value of \$134,809 or \$93.51 per square of living area including land as reflected by its assessment.

The Board finds the comparable sales submitted by both parties do not overcome the subject's arm's-length sale price. Notwithstanding that the subject's arm's-length sale price occurred just five months subsequent to the January 1, 2008 assessment date, the Boards finds both parties' comparable sales further demonstrate the subject's assessment was excessive. Both parties' comparables, regardless of their sale dates and various aspects of comparability to the subject, sold for prices ranging from \$44.77 to \$73.88 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$94.08 per square foot of living area including land, which is higher than both parties' comparable sales on a per square foot basis.

Based on this analysis, the Property Tax Appeal Board find the appellants have proven by overvaluation a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is incorrect and a 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: February 18, 2011

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.