



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

APPELLANT: Richard Anderson
DOCKET NO.: 08-00442.001-R-1
PARCEL NO.: 04-04-36-403-010

The parties of record before the Property Tax Appeal Board are Richard Anderson, the appellant; and the Tazewell 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 Tazewell County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$4,920
IMPR.: \$44,670
TOTAL: \$49,590**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a lot of approximately 9,600 square feet that is improved with a one-story style brick and frame dwelling that was built in 1966 and contains 1,951 square feet of living area. Features of the home include central air conditioning, a fireplace, a 580 square foot garage and a partial basement with 1,000 square feet of finished area. The subject is located in Pekin, Pekin Township, Tazewell County.

The appellant appeared before the Property Tax Appeal Board claiming assessment inequity and overvaluation as the bases of the appeal. In support of the inequity argument, the appellant submitted a grid analysis of three comparable properties located next door to, or within ¼ mile of the subject. The comparables consist of ranch style dwellings of brick exterior construction that range in age from 40 to 43 years and range in size from 1,248 to 1,628 square feet of living area. Features of the comparables include central air conditioning and one-car or two-car garages. Two comparables have one or two fireplaces and two have partial basements. One comparable was reported to have no

basement. These properties were reported to have total assessments ranging from \$33,220 to \$51,770 or from \$23.38 to \$33.89 per square foot of living area. The subject has a total assessment of \$49,590 or \$25.42 per square foot of living area.

In support of the overvaluation argument, the appellant indicated the subject sold in January 2007 for \$147,500. In further support of the overvaluation contention, the appellant submitted sales information on the same three comparables used to support the inequity contention. The comparables were reported to have sold between July 2007 and August 2008 for prices ranging from \$118,000 to \$160,000 or from \$83.04 to \$121.79 per square foot of living area including land. The appellant also argued the comparables' estimated market value as reflected by their assessments were from \$4,690 to \$25,100 below their sales prices, whereas the subject's estimated market value was \$1,270 over its sales price. Based on this evidence the appellant requested the subject's assessment be reduced to \$46,810, reflecting a market value of approximately \$140,430.

During the hearing, the appellant argued part of the subject dwelling has a flat roof and "common sense says people don't want a flat roof." The appellant submitted no credible market evidence documenting any loss in value attributed to flat-roofed homes. The appellant also argued the subject's sales price per square foot was not the only way to determine if an assessment is correct. Lastly, the appellant argued the sales ratio information he submitted on the three comparables in his grid analysis justifies a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$49,590 was disclosed. The subject has an estimated market value of \$148,518 or \$76.12 per square foot of living area including land as reflected by its assessment and the 2008 Tazewell County three-year median level of assessments of 33.39%.

In support of the subject's improvement assessment the board of review submitted property record cards and a grid analysis of four comparable properties that includes the appellant's three comparables. However, the board of review's grid and the property record card for the appellant's comparable 1 depicts the parties' comparable 1 as containing 1,201 square feet of living area, rather than 1,248 square feet as reported by the appellant. The board of review's grid also depicts the parties' comparable 2 as containing 1,256 square feet of living area, rather than 1,421 square feet, as indicated on the appellant's grid. The fourth comparable added by the board of review is a 42 year-old, ranch style brick and frame dwelling that contains 1,270 square feet of living area. The comparable's features include central air conditioning, a 540 square foot garage and a full unfinished basement. The board of review's grid depicts the four comparables as having improvement assessments ranging from \$26,580 to \$43,620 or from \$21.16 to \$31.76 per square foot of living area. This fourth comparable was reported to have sold in

December 2006 for \$136,250 or \$107.28 per square foot of living area including land.

During the hearing, the board of review argued the subject's improvement assessment is below three of the four comparables on a per square foot basis and the only comparable assessed below the subject has no basement. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony 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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted.

The appellant's argument was 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 met this burden.

The Board finds the appellant failed to submit improvement assessment data on the three comparables used to support his argument, relying instead on the total assessments of these properties. However, the Board finds the board of review supplied this missing information on its grid that includes the appellant's comparables, along with one additional comparable. The Board finds the four comparables submitted by the parties had improvement assessments ranging from \$21.16 to \$31.76 per square foot of living area. The subject's improvement assessment of \$22.90 per square foot of living area falls within this range.

The Board next looks to the appellant's sales ratio argument based on the three comparables he submitted. The Board finds the courts have held that in determining whether to use a neighborhood, township or county sales ratio, considerations of practicality dictate the use of the county ratio. People ex rel. Kohorst v. Gulf, Mobile & Ohio R.R. Co., 22 Ill.2d 104, 174 (1961). The courts look to the county as a whole in order to determine whether the property at issue is being assessed in accordance with the constitutional guaranty of equity and uniformity of taxation. Furthermore, the courts have held that "even if the studies show a disparity in the levels of assessment of residential property within the same township, we cannot find that the evidence shows that a township level of assessment, rather than a countywide level, is the proper one." In re App. Of County Treasurer (Twin Manors), 175 Ill.App.3d 562, (1st Dist. 1988). Thus, a review of case law indicates that the courts look at the "assessment level for the county as a whole" rather than selective sales in a given market area, as the appellant did in

his assessment to sales ratio analysis. Therefore, the appellant's simple analysis cannot be said to demonstrate by clear and convincing evidence that the subject property was assessed at a disproportionately higher level of fair market value than other properties located within the same taxing jurisdiction.

The Property Tax Appeal Board further finds the appellant's sales ratio analysis is flawed in that it was not performed on a countywide basis, the sales used were not selected at random and the appellant did not properly edit the data. Additionally, the Board finds the methodology employed by the appellant in calculating the sales ratio analysis is in error. The proper methodology for calculating assessment to sales ratios for ad valorem taxation purposes requires using a property's most recent sale price compared to its prior year's assessment that precedes the date of sale. The Board finds the appellant did not use this formula in his analysis for the comparables and consequently, little weight was given to this evidence.

The appellant also contends overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to meet this burden.

The Board finds the subject sold in January 2007 for \$147,500. The appellant argued that a property's sale price per square foot is not the only way to determine if an assessment is correct. The Property Tax Appeal Board finds the best evidence of the subject's fair market value is its January 1, 2007 sale price of \$147,500. From a review of the evidence, the Board finds the subject's sale appears to be of an arm's-length nature. The evidence disclosed the subject property was advertised for sale on the open market, the buyer and seller were not related parties, nor were they under duress to complete the transaction. The Illinois Supreme Court 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 is 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).

Furthermore, section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

The parties also submitted sales information on four comparables used to support their respective overvaluation arguments. The comparables sold for prices ranging from \$118,000 to \$160,000 or from \$93.95 to \$126.56 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$148,518 or \$76.12 per square foot of living area including land falls well below all the comparables sales.

The Board finds the subject's 2008 assessment reflects a market value of approximately \$148,518, which is 0.06% higher than its January 2007 sales price. The Board finds the appellant submitted no credible market evidence to demonstrate this miniscule increase in the subject's 2008 assessment was not justified. Finally, the Board finds only one comparable submitted by the parties was similar to the subject in living area, that being the parties' comparable 3, which contains 1,628 square feet of living area. This most similar comparable in the record has no finished basement like the subject, and its improvement assessment of \$26.79 per square foot of living area, as well as its sales price of \$98.28 per square foot of living area including land, support the subject's assessment.

In conclusion, the Board finds the appellant has failed to prove either assessment inequity by clear and convincing evidence or overvaluation by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as determined 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. Guit

Chairman

Member

Mario M. Louie

Member

Member

William R. Loras

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: September 24, 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.