FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Robert Swanson
DOCKET NO.: 08-00632.001-R-1
PARCEL NO.: 14-19-256-033

The parties of record before the Property Tax Appeal Board are Robert Swanson, the appellant, and the Peoria 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 **Peoria** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$3,700
IMPR.:	$19,300
TOTAL:	$23,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of one-story single family dwelling of frame exterior construction that contains 1,088 square feet of living area. The dwelling was built in 1951 and features concrete slab foundation, central air conditioning and a two-car attached garage of 720 square feet of building area. The property is located in Peoria, City of Peoria Township, Peoria County.

The appellant submitted a residential appeal contending overvaluation based on a recent sale of the subject property. In support of this argument, the appellant indicated on the appeal form that the subject property was purchased in January 2008 for $67,000. The appellant indicated the subject property was sold by the Federal National Mortgage Association using a Realtor from Century 21 and the property was advertised on the open market for "approximately six months before price reduction" using a local newspaper and the multiple listing service. Moreover, while the property was sold in settlement of a foreclosure, the parties to the transaction were not related.

The appellant also submitted a copy of the Multiple Listing Service sheet for the subject which indicated the original price was $78,500, which was reduced to $69,500. The "cumulative days on market" was 43 and the property sold in January 2008 for $67,000. Comments on the sheet also disclose the property is "sold as is." The appellant also submitted a four-page closing statement disclosing a sales price of $67,000. Based on this evidence the appellant requested the subject's assessment be reduced to $23,000 which would reflect a market value of approximately $69,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling $29,860 was disclosed. The subject's assessment reflects a market value of approximately $90,130 when applying the 2008 three year median level of assessments for Peoria County of 33.13% as determined by the Illinois Department of Revenue. The board of review submitted a letter with attachments.

The board of review did not dispute that the subject property sold in January 2008, but purported to attach a "judicial deed." There was no copy of a deed attached; the copy of the subject's property record printout noted for the January 2008 sale deed type "SP." In the letter, the board of review further reported "[r]epo sales are not and were not predominate sales in this neighborhood."

The board of review also submitted information in a grid analysis on three comparable sales of properties described as being in the same neighborhood code assigned by the assessor as the subject. The comparables were one-story frame dwellings built between 1955 and 1958. The dwellings ranged in size from 864 to 1,157 square feet of living area. Each had a slab foundation, two had central air conditioning and each had a garage ranging in size from 280 to 320 square feet of building area. These properties sold between April and July 2007 for prices ranging from $83,000 to $92,000 or from $79.52 to $96.06 per square foot of living area including land.

The board of review also reported that the subject property sold again in March 2009 for $109,500. The board wrote, "This sales price of $109,500 is typical for remodeled properties in this subdivision." Based on this record, 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

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 supports a reduction in the subject's assessment.

The appellant contends the subject's assessment should be reduced based on the sale of the subject. The evidence disclosed that the subject sold in January 2008 for a price of $67,000. Despite the fact that the subject was sold due to foreclosure, the information provided by the appellant indicated the sale had the elements of an arm's length transaction in that it was advertised on the open market for a reasonable period of time and that the parties to the transaction were not related. Moreover, the sale occurred only 10 days after the assessment date at issue of January 1, 2008.

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." 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 board of review were given less weight. Likewise, the subject's resale in March 2009 for $109,500 was given less weight.

The Board finds the best evidence of the subject's fair market value as of January 1, 2008 in the record is the January 11, 2008 sale for $67,000. The Property Tax Appeal Board finds the sale was not a transfer between family or related parties; the property was advertised for sale in both the newspaper and multiple listing service and involved a Realtor. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value at that time. Moreover, the board of review did not adequately contest the arm's-length nature of the subject's sale by stating "[r]epo sales are not and were not predominate sales in this neighborhood." Thus, based on the foregoing facts and analysis, the Property Tax Appeal Board finds the subject's January 2008 sale price of $67,000 was arm's-length in nature.

Lastly, while the Board recognizes the subject's March 2009 sale price of $109,500, it also recognizes that this sale occurred over one year after the January 1, 2008 assessment date at issue in this matter. Moreover, the Multiple Listing Service sheet provided by the board of review regarding this March 2009 sale specifically remarked that the subject was a "recently remodeled home"; "new shingles and windows 2008"; "brand new kitchen with stainless steel appliances."; "new floor coverings throughout!"; "updated electrical panel and high efficiency air." Thus, the substantial remodeling of the subject between January 2008 and re-sale in March 2009 supports its significantly increased re-sale price.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of $67,000 on January 1, 2008. The subject's assessment reflects an estimated market value of approximately $90,130, which is substantially higher than its arm's-length sale price which was very close in time to the assessment date of January 1, 2008. Therefore a reduction is warranted in accordance with the appellant's request.

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.

Chairman

Member

Member

Member

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: March 18, 2011

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.