



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

APPELLANT: Yilou Song and Tianzhu Meng  
DOCKET NO.: 08-01658.001-R-1  
PARCEL NO.: 03-31-478-002

The parties of record before the Property Tax Appeal Board are Yilou Song and Tianzhu Meng, the appellants; and the Boone 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 Boone County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$13,333  
**IMPR.:** \$57,557  
**TOTAL:** \$70,890

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a part two and part one-story frame dwelling containing 2,406 square feet of living area that was built in 2004. Features include an unfinished basement, central air conditioning, a fireplace and a 400 square foot attached garage. The subject property is located in Caledonia Township, Boone County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board arguing the subject's assessment is not reflective of its fair market value. In support of this argument, a settlement statement and a real estate transfer declaration were submitted. The documents indicate the appellants purchased the subject property for \$215,000 on November 7, 2008. The appellant also submitted Multiple Listing Sheets demonstrating the subject property was listed for sale on the open market through a local Realty firm. The subject property was listed for sale in the open market for 423 days from 2007 to its sale date in 2008. The subject property has multiple price reductions during this time period. The highest list price was \$264,900 with a final list

price of \$229,999. The Real Estate Transfer Declaration shows the subject's sale price of \$215,000 included \$2,500 in personal property resulting in a net sale price of \$212,500.

The appellants also submitted the sales and listing prices of eight suggested comparables that had varying degrees of similarity when compared to the subject. Four comparables sold from May 2008 to September 2008 for prices ranging from \$215,000 to \$237,500. Four comparables had listing prices ranging from \$209,900 to \$240,285. The appellants argued this evidence demonstrates the subject's \$212,500 net sale price is reflective of the value of similar properties. 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 property's final assessment of \$86,084 was disclosed. The subject's assessment reflects an estimated market value of \$258,046 or \$107.25 per square foot of living area including land using Boone County's 2008 three-year median level of assessment of 33.36%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal, property record cards and a market analysis of eight suggested comparables.

With regard the subject's sale price, the board of review argued the appellants were not the owners of record as of January 1, 2008 as required by section the 9-175 of the Property Tax Code. (35 ILCS 200/9-175). Section 9-175 of the Code provides in part:

Owner on assessment date. The owner of property on January 1 in any year shall be liable for the taxes of that year. . . (35 ILCS 200/9-175).

The board of review argued the assessment date at issue is January 1, 2008, and the subject's sale had not taken place as of the assessment date. With respect to the sales prices and listing prices of the eight comparables properties submitted by the appellants, again, the board of review argued this evidence is not appropriate due to the subject's January 1, 2008 assessment date. The board of review argued while the appellants evidence is compelling, it is relevant for the 2008 assessment year.

The comparables submitted by the board of review are comprised of part two and part one-story or two story frame dwellings that were built from 2005 to 2008. The dwellings range in size from 2,390 to 2,960 square feet of living area. Features had varying degrees of similarity when compared to the subject. Although comparables 1 and 8 were not constructed until 2008, all the comparables sold from March 2007 to December 2007 for prices ranging from \$223,820 to \$275,635 or from \$90.04 to \$108.65 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessed valuation.

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 property'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 (2<sup>nd</sup> Dist. 2000). The Board finds the appellants have overcome this burden.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the seller 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 (1<sup>st</sup> 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 evidence in this record indicates the subject's transaction was a voluntary sale where the seller was ready, willing, and able to sell but not compelled to do so, and the buyer was ready, willing and able to buy but not forced to do so. The Board finds the subject's sale was between unrelated parties which supports the arm's-length nature of the subject's transaction and sale price. The Board finds this record is void of any credible evidence nor did the board of review argue that the subject's sale was not an arm's-length market transaction. Therefore, the Board finds the best evidence of the subject's fair cash value is its November 2008 arm's-length net sale price of \$212,500.

With respect to the assessment date at issue in this instant appeal, the board of review merely argued that the subject's sale occurred 11 months after the January 1, 2008 assessment date, while compelling, is not appropriate or relevant for the 2008 assessment. In addition, the board of review cited Section 9-175 of the Code in support of its arguments. Section 9-175 of the Code provides in part:

The owner of property on January 1 in any year shall be liable for the taxes of that year. . . (35 ILCS 200/9-175).

After reviewing this record and considering the legal arguments, the Property Tax Appeal Board finds the record contains little

factual support or probative case law that would sustain the board of review's position.

First, the board finds section 9-175 of the Property Tax Code provides that the owner of the January 1 assessment date **is liable for the taxes** associated for that assessment year. This statute pertains to who is liable for property taxes in a particular assessment year. Nothing in the plain language provides that any subsequent owner(s) or taxpayer(s) do not have standing to appeal the contested assessment. Moreover, the Boone County Board of Review issued a decision upon complaint regarding the subject property. The decision grants leave to Yilou Song and Tianzhu Meng, the appellants in this appeal, to file a complaint with the Property Tax Appeal Board. This appeal followed. Section 16-160 of the Property Tax Code (35 ILCS 200/16-160) provides in part:

**any taxpayer** (emphasis added) dissatisfied with the decision of the board of review or board of appeals as such decision pertains to the assessment of his or her property for taxation purposes, . . . may, . . . appeal the decision to the Property Tax Appeal Board for review.

The Property tax Appeal Board finds the appellants in this appeal were taxpayers for assessment year 2008 (See line 212 of settlement statement) and the appellants timely filed a complaint with the Property tax Appeal Board.

The Board further finds section 9-155 of the Property Tax Code requires parcels to be assessed as of January 1 of the assessment year in question and provides:

On or before **June 1** in each general assessment year in all counties with less than 3,000,000 inhabitants, . . . the assessor, in person or by deputy, shall actually view and **determine as near as practicable the value of each property listed for taxation as of January 1 of that year**, or as provided by Section 9-180, and assess the property at 33 1/3% of its fair cash value, or in accordance with Sections 10-110 through 10-140. . . (35 ILCS 200/9-155).

The Board finds the legislature clearly contemplated subsequent events in the assessment process by inserting the language "On or before **June 1** . . . the assessor, in person or by deputy, shall actually view and **determine as near as practicable the value of each property listed for taxation as of January 1 of that year**. . . and assess the property at 33 1/3% of its fair cash value, or in accordance with Sections 10-110 through 10-140."

The Property Tax Appeal Board finds assessment officials are statutorily bound to determine a given property's fair cash value as near as practicable **as of** the date of January 1 of a given assessment year. The Board finds January 1 is the effective valuation date, not the statutorily defined date to determine proper classification or assessment for any particular property. The Property Tax Appeal Board recognizes the Appellate Court's holding in People ex rel. Rosewell v. Lakeview Limited Partnership, 120 Ill.App.3d 369, 458 N.E.2d 121 (1<sup>st</sup> Dist. 1983) wherein the court noted unless otherwise provided by law, the property's status for purposes of taxation is to be determined as of January 1 of each year. However, the court specifically found the legislature provided to change application of the January 1 date in only two circumstances: (1) permit partial exemption of taxation where a property becomes taxable or exempt after January 1; and (2) providing for proportionate assessments in the case of new construction or uninhabitable property. (Codified in the Property Tax Code under 35 ILCS 200/9-160 and 9-180) The Board finds neither of these circumstances applies to subject's situation in this instant appeal. Additionally, the Court in Rosewell, citing the trial court, noted that assessing officials are not barred, as a matter of law, from considering events which occurred after the lien date in assessing the subject properties. Subsequent events assessing officials may consider in any individual case will depend on the nature of the event and the weight to be given the event will depend upon its reliability.

Finally, the Board finds the assessment process in determining values for real property, according to the prescribed law, is not the appeal process, wherein evidence is weighed in determining the correct assessment of a given property under appeal. Here, clearly the best evidence of market value is the subject's actual arm's-length net sale price for \$212,500.

Based on this analysis, the Property Tax Appeal Board finds that the appellants have proven that the subject property is overvalued by a preponderance of the evidence. Since fair market has been established, Boone County's 2008 three-year median level of assessment of 33.36% shall apply.

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: August 20, 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.