



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

APPELLANT: Ricky Smith
DOCKET NO.: 08-02436.001-R-1
PARCEL NO.: 15-03.0-304-014

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

LAND: \$6,900
IMPR.: \$22,434
TOTAL: \$29,334

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story brick and frame dwelling containing 1,814 square feet of living area that was built in 1986. Features include a partially finished basement, central air conditioning, and a 440 square foot garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant completed Section IV of the appeal petition and submitted a settlement statement detailing the subject property's sale price. The documentation disclosed the appellant purchased the subject property for \$89,000 in August 2008 through Re/Max Realty. The evidence indicates the subject property was advertised for sale in the open market through the Multiple Listing Service, a yard sign and local newspaper for one to two weeks. The original offering price was \$99,500. The appellant testified the parties involved in the transaction were un-related.

The appellant testified he performed some maintenance work on the property prior to occupancy in October 2007. The maintenance work included new siding, roof, carpeting and repairing a broken window. However, the appellant argued the maintenance of the dwelling should not increase the assessment based on section 10-20 of the Property Tax Code, which provides:

Repairs and maintenance of residential property. Maintenance and repairs to residential property owned and used exclusively for a residential purpose **shall not increase the assessed valuation of the property.** For purposes of this Section, work shall be deemed repair and maintenance when it (1) does not increase the square footage of improvements and does not materially alter the existing character and condition of the structure but is limited to work performed to prolong the life of the existing improvements or to keep the existing improvements in a well maintained condition; and (2) employs materials, such as those used for **roofing or siding**, whose value is not greater than the replacement value of the materials being replaced. Maintenance and repairs, as those terms are used in this Section, to property that enhance the overall exterior and interior appearance and quality of a residence by restoring it from a state of disrepair to a standard state of repair do not "materially alter the existing character and condition" of the residence. (35 ILCS 200/10/20).

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the arm's-length sale price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$40,841 was disclosed. The subject's assessment reflects an estimated market value of \$123,911 or \$68.31 per square foot of living area including land using Sangamon County's 2008 three-year median level of assessment of 32.96%.

In support of the subject's assessment, the board of review submitted the subject's property record card and a market analysis of four suggested comparable. The board of review also submitted an assessment analysis to demonstrate the subject property was uniformly assessed. Gayle Mueller, Deputy Assessor for Clearlake Township was present at the hearing and provided testimony in connection with evidence submitted by the board of review.

The comparable sales are located in close proximity to the subject and consist of one-story frame dwellings that were built from 1918 to 2002. Three comparables have unfinished basements and one comparable has a crawl space foundation. One comparable has central air conditioning and three comparables have attached or detached garages ranging in size from 480 to 1,040 square

feet. The dwellings range in size from 1,092 to 1,260 square feet of living area. Their lot sizes were not disclosed. The comparables sold from November 2004 to March 2009 for prices ranging from \$65,000 to \$107,000 or from \$57.52 to \$84.92 per square foot of living area including land.

The board of review questioned the validity of the subject's sale price because it was a foreclosure. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under questioning, the deputy assessor agreed the comparable sales presented are dissimilar when compared to the subject in age and size.

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 Board further finds a 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 overcome this burden.

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 the record is void of any credible evidence showing the subject's sale was not an arm's-length transaction. In fact, the Board finds the evidence shows the subject's transaction meets the key fundamental elements of an arm's-length transaction. The buyer and seller were unrelated; there was no evidence suggesting that either party was under duress to buy or sell; and 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 is its August 2008 arm's-length sale price of \$89,000, which is considerably less than the subject's estimated market value of \$123,911 as reflected by its assessment.

The Board gave little weight to the comparable sales submitted by the board of review. All the suggested comparables are considerably smaller in size than the subject; all the comparables are dissimilar in age when compared to the subject and comparable 3 has a crawl space foundation unlike the subject's partially finished basement. Finally, comparables 3 and 4 sold in 2004 and 2006, which are not considered indicative of the subject's fair market value as of the January 1, 2008 assessment date at issue in this appeal.

Based on this analysis, the Property Tax Appeal Board finds the appellant has demonstrated the subject property is overvalued by 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. Since fair market value has been established, the three-year median level of assessment for Sangamon County of 32.96% 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 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: October 22, 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.