



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

APPELLANT: Edward G. Hafer
DOCKET NO.: 08-04827.001-R-1
PARCEL NO.: 21-01.0-352-016

The parties of record before the Property Tax Appeal Board are Edward G. Hafer, the appellant, and the Sangamon 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 **Sangamon** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$7,909
IMPR.: \$36,088
TOTAL: \$43,997

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 2,000 square foot parcel improved with a 20-year-old, tri-level single-family dwelling that contains 1,604 square feet of living area. The home features a partial unfinished basement, central air conditioning, a fireplace, and an attached two-car garage of 576 square feet of building area. The property is located in Springfield, Capital Township, Sangamon County.

The appellant claims overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal with a valuation date of June 2, 2003 which estimated a market value for the subject property of \$118,000. The appraiser used both the cost and sales comparison approaches to value to arrive at her conclusion. Under the cost approach, the appraiser estimated a value of \$117,639. In the sales comparison approach, the appraiser analyzed three sales that were located within $\frac{3}{4}$ -mile of the subject. The comparables were one-story, bi-level and tri-level homes that were 14 to 36 years old at the time of the appraisal when the subject was 15 years old. The comparables ranged in size from 1,883 to 2,110 square feet of living area.

One comparable had a basement with some finished area. Each comparable had central air conditioning, a fireplace, and a 2 or 2 ½-car garage. These properties sold between October 2002 and March 2003 for prices ranging from \$128,500 to \$137,000 or from \$60.90 to \$72.76 per square foot of living area including land. The appraiser made adjustments to the comparables for differences in site size, design, exterior construction, condition, age, dwelling size, room count and other differences in amenities. This resulted in adjusted sales prices ranging from \$112,810 to \$123,210. In reconciliation the appraiser gave most weight to the sales comparison approach and estimated a market value for the subject of \$118,000 as of June 2, 2003.

The evidence further revealed that the appellant filed this appeal directly to the Property Tax Appeal Board following receipt of the notice of a township equalization factor issued by the board of review which raised the subject's assessment from \$43,096 to \$43,997.

Based on the foregoing evidence, the appellant requested an assessment reduction to \$43,096 or a market value of approximately \$129,288.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final equalized assessment of \$43,997 was disclosed. In response to the appellant's evidence, the board of review noted that the appraisal was "not current enough to determine 2008 fair market value." Based on this data, 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 this appeal.

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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Admin.Code Sec. 1910.65(c)). Having considered the evidence presented, the Property Tax Appeal Board finds that the evidence indicates a reduction is not warranted.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$118,000. However, the estimate of value was as of June 2, 2003 whereas the assessment date at issue in this appeal is January 1, 2008.

Fair cash value is defined in the Property Tax Code as "[t]he 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 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).

The Property Tax Appeal Board finds that an appraisal of the subject property with a valuation date 4 ½ years prior to the assessment date at issue is not a valid or reliable indicator of the market value of the subject property as of the assessment date of January 1, 2008. Thus, based upon the evidence presented, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not 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: May 20, 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.