



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

APPELLANT: Chris and Amanda Yarber  
DOCKET NO.: 08-05943.001-R-1  
PARCEL NO.: 08-10.0-405-032

The parties of record before the Property Tax Appeal Board are Chris and Amanda Yarber, the appellants; and the St. Clair 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 St. Clair County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$15,469  
**IMPR.:** \$57,861  
**TOTAL:** \$73,330

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story single family dwelling of brick exterior construction that contains 3,122 square feet of living area. Features of the home include a crawl space foundation, central air conditioning, two fireplaces and a three-car attached garage with 936 square feet of building area. The subject property is located in Swansea, St. Clair Township, St. Clair County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants completed Section IV - Recent Sale Data on the Residential Appeal form. The appellants indicated that they purchased the subject property from Wells Fargo Bank, NA in April 2008 for a price of \$185,000. The appellants indicated the parties to the transaction were not related, the property was sold by a Realtor, the property was advertised in the Multiple Listing Service and the property was the subject of a foreclosure. To further document the sale the appellants submitted a copy of the settlement statement dated April 25, 2008, disclosing a contract sales price of \$185,000.

The appellants also submitted an appraisal prepared by Rick Wendle an Illinois certified appraiser. Wendle estimated the subject had a market value of \$205,000 as of February 24, 2009.

The appraiser developed both the cost approach and the sales comparison approach in estimating the market value of the subject property. Under the cost approach the appraiser estimated the subject had a market value of \$250,600. Under the sales comparison approach the appraiser used four comparable sales and two listings improved with two-story dwellings that ranged in size from 2,200 to 3,334 square feet of living area. Each comparable is located in Swansea. The comparables were of frame, brick or brick combination exterior construction and ranged in age from 7 to 22 years old. Four of the comparables had crawl space foundations, two comparables had full basements that were partially finished, each comparable had central air conditioning, the comparables have one or two fireplaces and each comparable has a two-car attached garage. Four comparables sold from July 2008 to December 2008 for prices ranging from \$178,900 to \$224,999 or from \$63.89 to \$81.88 per square foot of living area, including land. The two listings had prices of \$242,900 and \$237,500 or \$110.41 and \$103.26 per square foot of living area, including land, respectively. After making adjustments to the comparables to account for differences from the subject the appraiser was of the opinion the comparables had adjusted sales prices ranging from \$187,230 to \$242,130. Based on this market data the appraiser was of the opinion the subject had an indicated market value under the sales comparison approach of \$205,000. The appraiser ultimately estimated the subject property had a market value of \$205,000 as of February 24, 2009.

In the report the appraiser indicated the subject property was purchased "as is" in April 2008 for a price of \$185,000.

Based on this evidence the appellants requested the subject's assessment be reduced to \$68,333.

The board of review (BOR) submitted its "Board of Review Notes on Appeal" wherein its final equalized assessment of the subject totaling \$83,301 was disclosed. The subject's assessment reflects a market value of \$249,404 or \$79.89 per square foot of living area, including land, using the 2008 three year average median level of assessments for St. Clair County of 33.40% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the BOR provided information on three comparable sales located in the subject's subdivision. The comparables were improved with one, one-story dwelling and two, two-story dwellings that ranged in size from 2,020 to 3,194 square feet of living area. The comparables are of brick and frame construction and were built from 1988 to 1990. Each comparable has a basement with one being partially finished, each comparable has central air conditioning, the comparables have 1 or 2 fireplaces and each comparable has an attached two-car garage. These properties sold from January 2007 to November 2007 for prices ranging from \$258,000 to \$288,000 or from \$86.00 to \$127.72 per square foot of living area.

The BOR also provided information on three equity comparables improved with 1.5-story or 2-story dwellings that range in size from 2,789 to 3,133 square feet of living area. The comparables are located in the subject's subdivision and were constructed in 1984 and 1986. The comparables are of brick or brick and frame construction. Each comparable has a crawl space foundation, central air conditioning, two fireplaces and attached garages that ranged in size 625 to 936 square feet. These properties had improvement assessments ranging from \$71,615 to \$88,746 or from \$24.88 to \$31.82 per square foot of living area. The subject property has an improvement assessment of \$67,151 or \$21.50 per square foot of living area using a total living area of 3,122 square feet as reflected in the appraisal.

Based on this evidence the BOR indicated that it would stipulate to a revised assessment of \$79,790, which was the pre-equalized assessment of the subject property.

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 appellants contend overvaluation as the basis of the appeal. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). 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 Supreme Court of Illinois has construed "fair cash value" to mean 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 between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1<sup>st</sup> Dist. 1983).

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 (3<sup>rd</sup> Dist. 2002). Proof of market value may consist of a recent sale, an appraisal or comparables sales. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record is the comparable sales submitted by the parties. Of the nine comparable sales submitted by the parties, the Board finds sales #1, #3 and #6 contained in the appellants' appraisal were most similar to the subject in size, age and features. The comparables are also similar to the subject in location. These three sales occurred from July 2008 to November 2008 for prices ranging from \$178,900 to \$224,999 or from \$63.89 to \$79.59 per square foot of living area, land included. The subject's assessment reflects a market value of \$249,404 or \$79.89 per square foot of living area, including land, using the 2008 three year average median level of assessments for St. Clair County of 33.40% as determined by the Illinois Department of Revenue. The subject's assessment reflects a market above the range established by the best comparables in the record.

The Board gave less weight to the sale of the subject due to the fact the property was purchased out of foreclosure calling into question the arm's length nature of the transaction and whether or not the purchase price is reflective of fair cash value.

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: April 22, 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.