FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Bryan & Karen Mason
DOCKET NO.: 08-06419.001-R-1
PARCEL NO.: 03-13.0-404-008

The parties of record before the Property Tax Appeal Board are Bryan & Karen Mason, 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:	$16,000
IMPR.:	$50,767
TOTAL:	$66,767

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story frame and masonry dwelling containing 2,268 square feet of living area that was built in 2005. Features include an unfinished basement, central air conditioning, a fireplace and a two-car attached garage.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the bases of the appeal. The appellants did not contest the subject's land assessment. In support of the overvaluation argument, the appellants submitted a settlement statement disclosing the subject property was purchased on February 29, 2008 for $199,900.

The appellants testified at the hearing that the subject property was exposed to the market, the buyer and seller were unrelated and neither party was under duress. The appellants also submitted a grid of four suggested comparables. At the hearing, the appellant's attempted to submit an additional comparable sale that was not submitted with the original appeal. The appellants

were informed that new evidence will not be accepted at the hearing. The comparables were described as two-story frame and masonry dwellings located either one house west, one block or two blocks from the subject property. The dwellings are three or three and one-half years old and range in size from 2,000 to 2,400 square feet of living area. Features include finished or unfinished basements, central air conditioning, a fireplace and a two-car attached garage. The appellants also stated at the hearing that comparable #3 is the best comparable due to being the same model home and same size lot as the subject. The comparables have equalized improvement assessments ranging from $52,858 to $63,288 or from $22.74 to $28.77 per square foot of living area. The subject's improvement assessment is $64,453 or $29.30 per square foot of living area.

The comparables also sold from December 2007 to December 2008 for prices ranging from $202,500 to $249,900 or from $85.83 to $113.59 per square foot of living area including land. 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's final assessment of $80,928 was disclosed. The subject's assessment reflects an estimated market value of $242,299 or $106.83 per square foot of living area including land using St. Clair County's 2008 three-year median level of assessments of 33.40%.

In support of the subject's assessment, the board of review presented descriptions and assessment information on four sales and six equity comparable properties. The board of review's sale comparables #1, #2, #3 and #4 are also used in their equity grid as comparables #1, #2, #3 and #6 respectively. The comparable sales consist of two-story frame and masonry dwellings located either across the street, one-quarter block or one block from the subject property. The dwellings are three or four years old and range in size from 2,144 to 2,296 square feet of living area. Three comparables have unfinished basements and one comparable has a partial finished basement. Other features include central air conditioning, a fireplace and garages ranging in size from 462 to 506 square feet. The comparables sold from September 2005 to December 2008 for prices ranging from $233,000 to 253,550 or from $108.67 to $113.63 per square foot of living area including land.

The equity comparables consist of two-story frame and masonry dwellings located either across the street, five lots, one-quarter block, one-third block or one block from the subject property. The dwellings are three or four years old and range in size from 2,144 to 2,336 square feet of living area. Five comparables have unfinished basements and one has a partial finished basement. Other features include central air conditioning, a fireplace and garages ranging in size from 462 to 899 square feet. The comparables have improvement assessments

ranging from $61,326 to $67,947 or from $28.18 to $31.66 per square foot of living area.

At the hearing, the board of review's representative argued the subject's sale price was questionable due to a note on the back of the Real Estate Transfer Declaration noting the subject was a model home in 2005. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants submitted a brief outlining the differences in the characteristics between the board of review's comparables when compared to the subject property. The appellants' rebuttal also explained the possible differences in sale prices between the board of review's comparables and the subject's sale price. The appellants reiterated that three of the board of review's comparables had finished walk-out basements that should not be considered similar to the subject property.

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 appellants argued the subject property is overvalued based on its February 2008 sale price. 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 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 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 this record shows the appellants purchased the subject property for $199,900 in February 2008, two months after the subject's January 1, 2008 assessment date. The Board finds this record is void of any evidence showing the subject's sale was not an arm's-length transaction. Based on this analysis, the Board finds the best evidence of the subject's fair market is its February 2008 sale price of $199,900. The subject's assessment reflects an estimated market value of $242,299 using St Clair county's 2008 three-year median level of assessments of 33.40%, which is

considerably higher than its 2008 arm's-length sale price. Therefore, a reduction in the subject's assessment is warranted.

The Board gave little weight to the suggested comparable sales contained in the board of review's submission of evidence. Three sales occurred more than one and one-half years prior to the January 1, 2008 assessment date and the remaining sale has a dissimilar finished walk-out basement when compared to the subject's unfinished basement. The Board finds the remaining five comparable sales do not overcome subject's arm's-length sale price.

The appellants also argued unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. The record contains 10 suggested assessment comparables for Board's consideration. They had varying degrees of similarity when compared to the subject. Their improvement assessments ranged from $52,858 to $67,947 or from $22.74 to $31.66 per square foot of living area. After considering the assessment reduction granted for market value considerations, the subject property has a revised improvement assessment of $50,767 or $22.38 per square foot of living area. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject property is uniformly assessed and no further reduction is warranted based upon the principals of uniformity.

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: September 23, 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.