



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

APPELLANT: Ken & Inger Varel
DOCKET NO.: 08-06430.001-R-1
PARCEL NO.: 05-30.0-203-004

The parties of record before the Property Tax Appeal Board are Ken & Inger Varel, 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: \$1,809
IMPR.: \$19,901
TOTAL: \$21,710

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a three and one-half year old, one-story dwelling with brick and vinyl siding exterior construction. The dwelling contains 1,200 square feet of living area on a crawl space foundation. Features include central air conditioning and a two car attached garage. The dwelling is situated on 7,500 square feet of land area.

The appellants submitted evidence before the Property Tax Appeal Board claiming the subject property is overvalued. In support of this claim, the appellants submitted a photograph and settlement statement revealing the subject property was purchased for \$65,000 in March 2008. The appeal petition indicates that the subject property was advertised for sale in the open market. The parties to the transaction were unrelated. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect its sale price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$28,180¹ was disclosed. The subject's assessment reflects an estimated market value of \$84,371 or \$72.99 square foot living area including land using St Clair County's 2008 three-year median level of assessments of 33.40%.

First, the board of review included a copy of the PTAX 203, Illinois Real Estate Transfer Declaration. This document indicates the subject property was advertised for sale and that the seller/buyer is a financial institution or government agency. The board of review also submitted any deeds associated with the sale of the subject property.

Based on the property record card, the board of review indicated that the subject property is a frame dwelling with brick trim exterior construction containing 1,156 square feet of living area, situated on 7,405 square feet of land area.

In support of the subject's assessment, the board of review submitted property record cards and a sale analysis of three suggested comparable properties. The comparables are located from two blocks to one mile from the subject property. The comparables have lots that contain from 11,761 to 14,374 square feet of land area. The comparables are improved with one-story frame dwellings. The comparables were built in 2001 or 2007. The comparables have central air conditioning and attached two-car garages. Comparables 1 and 2 are on crawl space foundations. Comparable 3 has a full unfinished basement. The dwellings range in size from 952 to 1,232 square feet of living area. The comparables sold from January 2007 to December 2007 for sale prices ranging from \$115,000 to \$155,500 or from \$93.34 to \$127.45 square foot of living area including land. Based on this evidence, 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. The Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellants argued the subject property was overvalued. When market value is the basis of the appeal, the value 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). The Board finds the appellants have met this burden of proof.

¹Appellant's assessment was \$28,202 at the time of filing. However, subsequent to filing of this appeal, the St Clair County board of review issued a .9992 equalization factor to eligible properties located within Lebanon Township, changing the subject's final assessment to \$28,180.

The appellants submitted a closing statement showing the subject property was purchased in March 2008 for \$65,000. The board of review submitted three suggested sales to support its assessment of the subject property.

The Property Tax Appeal Board finds the best evidence of the subject's fair market value in this record is the subject's March 2008 arm's-length sale price for \$65,000. 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 \$65,000 in March 2008. The Board finds this record is void of any evidence showing the subject's sale was not an arm's-length transaction. The subject's assessment reflects an estimated market value of \$84,371, which is higher than its arm's-length sale price. Therefore a reduction is warranted.

The Board gave less weight to the three suggested comparable sales submitted by the board of review. Comparables 1 and 2 are not in the subject's subdivision and they have considerably more land area than the subject property. Comparable 3 is not in the subject's subdivision, has considerably more land area and has a full basement, unlike the subject.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 20, 2012

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.