



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

APPELLANT: Joshua Holder  
DOCKET NO.: 09-00794.001-R-1  
PARCEL NO.: 13-28.0-203-003

The parties of record before the Property Tax Appeal Board are Joshua Holder, the appellant, 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:** \$15,344  
**IMPR.:** \$41,385  
**TOTAL:** \$56,729

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story frame single-family dwelling of 1,548 square feet of living area. The home features a full basement, central air conditioning, a fireplace and a three-car garage. The property is located in Smithton, Smithton Township, St. Clair County.

The appellant submitted evidence before the Property Tax Appeal Board arguing overvaluation as the basis of the appeal. In support of this claim, the appellant completed Section IV of the Residential Appeal petition reporting that the subject property was purchased in March 2009 from the previous owners through use of a Realtor with Exit Realty Consultants for a price of \$170,000. The property was reportedly advertised for sale for 14 months through the Multiple Listing Service. In further support of this contention, the appellant submitted a copy of the Multiple Listing Sheet which reflected an asking price for the subject property of \$184,500 and reiterated its sale price and date as reported by the appellant. The appellant also submitted a copy of the Settlement Statement similarly reflecting the date of sale and sale price.

The evidence submitted by the board of review further revealed that the appellant filed a complaint with the board of review with a decision that was issued on February 10, 2010, which is the same date the appellant postmarked an appeal to the Property Tax Appeal Board. Subsequent to that decision, the board of review issued a notice of an equalization factor of 1.0904 for Smithton Township which increased the subject's total assessment from \$61,078 to \$66,599.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$56,666 which would reflect the recent purchase price of \$170,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$66,599 was disclosed. The subject's assessment reflects an estimated market value of \$199,577 using the 2009 three-year median level of assessments in St. Clair County of 33.37%. (86 Ill.Admin.Code §1910.50(c)(1)). After reviewing the appellant's evidence, the board of review agreed to reduce the subject's assessment to \$61,784 which would bring the improvement "more in line with similar properties in the subject's immediate market area."

In further support of the subject's proposed assessment, the board of review presented four comparable sales located in the subject's subdivision. The comparables consist of one-story frame or frame and masonry dwellings which range in size from 1,489 to 1,831 square feet of living area. Each has a full basement, one of which includes finished area. The homes have central air conditioning and a garage. These comparables sold between August 2008 and January 2010 for prices ranging from \$164,000 to \$208,000 or from \$96.70 to \$124.24 per square foot of living area, including land. In the grid analysis, the board of review also reported the subject's recent purchase price in March 2009 of \$170,000 or \$109.82 per square foot of living area, including land. The subject's proposed total assessment reduction to \$61,784 reflects an estimated market value of approximately \$185,352 or \$119.74 per square foot of living area, including land.

Based on this evidence, the board of review requested the subject's assessment be reduced.

The appellant was notified of the suggested assessment reduction to \$61,784 and was given thirty (30) days to respond if the offer was not acceptable. The appellant responded to the Property Tax Appeal Board by the established deadline rejecting the board of review's proposed 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 appellant 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 (3<sup>rd</sup> Dist. 2002). 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 §1910.65(c). The Board finds the appellant has met this burden. Based upon the evidence submitted, the Board finds that a reduction in the subject's assessment is supported.

The evidence disclosed that the subject sold in March 2009 for a price of \$170,000 or \$109.82 per square foot of living area, including land. The information provided by the appellant indicated the sale had the elements of an arm's length transaction and the sale occurred only three months after the assessment date at issue of January 1, 2009. The board of review's responsive evidence did not contest the arm's-length nature of the sale of the subject property.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). 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 (1<sup>st</sup> 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). In light of this holding, the comparable sales submitted by the board of review have been given less weight.

The Property Tax Appeal Board finds the best evidence of the subject's fair market value in the record is the March 2009 sale for \$170,000. Since the fair market value of the subject has been established, the Board finds that the 2009 three-year median level of assessments for St. Clair County of 33.37% 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

*Frank J. Huff*

Member

*Mark Morris*

Member

*JR*

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: March 22, 2013

*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.