



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

APPELLANT: Wayne & Laura Harris  
DOCKET NO.: 09-02123.001-R-1  
PARCEL NO.: 10-25-351-013

The parties of record before the Property Tax Appeal Board are Wayne & Laura Harris, the appellants, and the Williamson 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 Williamson County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$14,850  
**IMPR:** \$100,496  
**TOTAL:** \$115,346

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a .33-acre lot on Lake of Egypt is improved with a one-story frame single-family dwelling containing 1,922 square feet of living area. The home is about 10 years old and features a full finished basement, central air conditioning, two fireplaces on one stack and an attached two-car garage of 576 square feet of building area. The property is located in Marion, Williamson County.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellants submitted various data including a Comparative Market Analysis prepared by a Realtor, a graph of the history of home values in America from 1890 to 2010 along with a two-page letter discussing the arguments and evidence along with an equity grid analysis of four additional suggested comparables and underlying data sheets for those properties.

The appellants asserted the history of home prices in America were presented to support their contention that when they purchased the subject parcel in 2005 it was "at the height of the

market."<sup>1</sup> In the letter, the appellants contend in part that the assessment of their property has been excessive since 2005 in light of their 2005 purchase price. With the exception of qualified farmland and except in counties with more than 200,000 inhabitants which 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 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). Thus, the Board finds that the original purchase price of the subject property in 2005 is too distant in time to be a reliable indicator of the subject's estimated fair cash value as of January 1, 2009, the assessment date in this proceeding, and will not be further analyzed on this record.

The Comparative Market Analysis submitted by the appellants set forth eight comparable properties, five of which were active listings and three of which were closed sales. The comparables were located in both Johnson and Williamson Counties, however, each was on Lake of Egypt like the subject. The homes range in size from 1,411 to 2,800 square feet of above-grade living area. Each comparable has central air conditioning and six comparables have garages ranging in size from two-car to three-car. No dates of sale were disclosed, but the sales prices ranged from \$244,000 to \$437,000 or from \$84.84 to \$128.68 per square foot of living area including land. The listings also did not indicate when they were active, but ranged from \$250,000 to \$410,000 or from \$99.98 to \$148.39 per square foot of living area including land. Based on this data, the Realtor suggested the subject has a current market value of \$399,000 or \$207.60 per square foot of living area including land.

As noted previously, the basis of this appeal was comparable sales. The appellants' equity grid analysis does not reflect recent sales prices of comparable properties, but has taken assessment data and converted it to estimated market value information. The Board will not further analyze this equity data given the initial market value argument made by the appellants which was also supported by the appellants' Comparative Market Analysis.

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<sup>1</sup> The Board also recognizes that the appellants have discussed in their letter a second parcel which they own and which was purchased originally with the subject parcel. The Board notes that it has no pending appeal on parcel 10-25-351-012 in this proceeding and cannot make any determination as to the assessment of that parcel in this decision in the absence of a timely and properly filed appeal as to that parcel. Thus, the Board will not further address the appellants' arguments regarding parcel 10-25-351-012 which is not properly before the Board in this proceeding.

The appellants also submitted a copy of the board of review final decision wherein the subject's final assessment of \$141,200 was disclosed. The final assessment of the subject property reflects a market value of approximately \$430,619 or \$224.05 per square foot of living area including land using the 2009 three-year average median level of assessments for Williamson County of 32.79% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

Based on this evidence the appellants requested the subject's assessment be reduced to \$115,346 or a market value of approximately \$346,038 or \$180.04 per square foot of living area including land.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation 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 this appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. 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). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The appellants in this appeal submitted the only evidence of market value in the record. The appellants submitted data on eight listings/sales comparables. The sales prices ranged from \$244,000 to \$437,000 or from \$84.84 to \$128.68 per square foot of living area including land. The listings ranged from \$250,000 to \$410,000 or from \$99.98 to \$148.39 per square foot of living area including land. The subject's assessment reflects a market value of approximately \$430,619 or \$224.05 per square foot of building area including land, which is substantially higher than either the actual sales or asking prices of area comparable properties on a per-square-foot basis. Based on the evidence, the appellants asserted that the subject property had a market value of \$346,038 or \$180.04 per square foot of living area including land, although they submitted a market analysis suggesting the property had a market value of \$399,000.

The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellants' argument as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board. The Board has examined the information submitted by the appellants and finds, based on this

limited evidence that was not refuted, a reduction in the assessed valuation of the subject property is justified.

The Board finds based on the limited evidence submitted that the appellants' contention of a market value of approximately \$346,038 as of January 1, 2010 is supported. Based on the foregoing, the Board finds that a reduction in accordance with the appellants' request is 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.



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Chairman



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Member



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Member



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Member



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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: August 28, 2012



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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.