



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

APPELLANT: John C. & Nancy Culves  
DOCKET NO.: 09-03927.001-R-1  
PARCEL NO.: 01-15-402-018

The parties of record before the Property Tax Appeal Board are John C. and Nancy Culves, the appellants; and the Morgan County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Morgan County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$3,710  
**IMPR.:** \$31,290  
**TOTAL:** \$35,000

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a one-story single family dwelling with a brick and vinyl exterior that contains 1,551 square feet of living area. The dwelling was constructed in 2002. Features of the home include a crawl space foundation, central air conditioning and a 900 square foot attached garage. The subject property is located in Meredosia, Morgan County.

The appellant filed the appeal marking recent sale was the basis of the appeal. In support of this argument the appellant completed Section IV - Recent Sale Data on the appeal form disclosing the subject property was purchased in July 2008 for a price of \$105,000. The appellant indicated the parties to the transaction were not related and the property was exposed for sale on the open market. The appellant also submitted a copy of a memo to the Morgan County Board of Review from Buffy Tillit-Pratt, a Beardstown Realtor. The memorandum dealt with how the market value of the subject property was impacted by additional tax increment financing (TIF) taxes caused by the developer failing to complete development of the subdivision where the property is located. Based on this record the appellant requested the subject's assessment be reduced to \$26,600.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$35,000 was disclosed. The board of review stated that it had reduced the subject's assessment to \$35,000 to reflect the purchase price of \$105,000. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration documenting the sale of the subject in July 2008 for a price of \$105,000. The board of review noted the purchase price reflects a market value of \$67.70 per square foot of living area, including land. The board of review also submitted information on three comparables sales to demonstrate the subject's purchase prices was indicative of market value. The comparables were improved with a part one-story and part one and one-half story dwelling and two one-story dwellings that ranged in size from 1,340 to 1,800 square feet of living area. The dwellings ranged in age from one to nine years old. One comparable had a basement, each had central air conditioning and each had an attached garage. The sales occurred from January 2006 to January 2010 for prices ranging from \$90,000 to \$117,000 or from \$65.00 to \$74.62 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant asserted that his request for a lower assessment was related to an additional TIF tax that was levied upon the subdivision in which the subject property was located. The appellant further asserted he would not have paid \$105,000 for the subject property if he would have been aware of the taxes.

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 does not support a reduction in the subject's assessment.

The appellant filed the appeal contending the market value of the subject property is not accurately reflected in its assessed valuation. 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).

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 an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant did not demonstrate the assessment of the subject property was excessive in relation to the subject's market value.

The record disclosed the subject property was purchased in July 2008, approximately five months prior to the assessment date at issue, for a price of \$105,000. The evidence in the record also indicated the sale had the elements of an arm's length transaction in that the parties were not related and the property was exposed for sale on the open market. The board of review also submitted information on three sales to demonstrate the sale of the subject was valid arm's length sale and indicative of market value. Based on this record the Board finds the subject property had a market value of \$105,000 as of the assessment date at issue. The Board finds the subject's total assessment of \$35,000 reflects a market value equivalent to the purchase.

Although the appellant submitted information regarding the purported taxes on the subject property related to a TIF tax that was levied upon the subdivision in which the subject property was located, the Board finds this evidence does not refute the arm's length nature of the subject's sale or establish the purchase price was not reflective of market value.

Based on this record the Board finds a change in the subject's assessment is not justified.

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

*J.R.*

Acting 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: December 23, 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.