



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

APPELLANT: Herb Brydon
DOCKET NO.: 09-05320.001-R-1
PARCEL NO.: 08-34.0-201-020

The parties of record before the Property Tax Appeal Board are Herb Brydon, 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: \$3,950
IMPR.: \$14,404
TOTAL: \$18,354

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a one-story single family dwelling of frame exterior construction that contains 1,078 square feet of living area. The dwelling was built in 1972 and features a concrete slab foundation, central air conditioning and an attached garage of 242 square feet of building area. The property is located in Belleville, Belleville Township, St. Clair County.

The appellant submitted a residential appeal contending overvaluation based on the recent purchase price of the subject property. In support of this argument, the appellant indicated on the appeal form that the subject property was purchased in August 2009 for \$55,000. The appellant indicated the subject property was sold by the Secretary of Housing and Urban Development (HUD) using a Realtor from Chuck Baec Realty and the property was advertised for sale in the Multiple Listing Service. Moreover, the parties to the transaction were not related.

The appellant also submitted a letter contending that no improvements to the property were made after purchase and asserting that several nearby properties had sold for lesser

amounts. A copy of the Settlement Statement for the subject was submitted reiterating the purchase price and date. Based on this evidence the appellant requested the subject's assessment be reduced to \$18,333 which would reflect a market value of approximately \$55,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final equalized assessment of the subject totaling \$27,277 was disclosed. The subject's equalized assessment reflects a market value of approximately \$81,741 when applying the 2009 three year median level of assessments for St. Clair County of 33.37% as determined by the Illinois Department of Revenue.

The board of review contended "the subject property assessment is in line with similar properties in the immediate area for the 2009 assessment year." In addition, the board of review reported that the entire neighborhood was reassessed in 2010 resulting in a change in assessment "which now better reflects the true value of the homes."

The board of review also submitted information in a grid analysis on four comparables, three of which included sales data. The comparables were in the same subdivision as the subject. In the grid analysis, the board of review reported the subject's purchase price and did not dispute that the subject property sold in August 2009 for \$55,000. The three sales comparables were one-story frame dwellings built in 1971 or 1981. The dwellings contain either 980 or 1,232 square feet of living area each. The homes do not have basements, but have central air conditioning and one comparable has a garage. These three properties sold between November 2008 and March 2010 for prices ranging from \$72,000 to \$82,000 or from \$66.56 to \$81.12 per square foot of living area, including land. Based on this record, 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. 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 (3rd Dist. 2002). The Board finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the subject's assessment should be reduced based on the sale price of the subject. The evidence disclosed that the subject sold in August 2009 for a price of \$55,000. The information provided by the appellant indicated the sale had the elements of an arm's length transaction in that it was advertised

on the open market and that the parties to the transaction were not related.

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 (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). In light of this holding, the comparable sales submitted by the board of review were given less weight.

The Board finds the best evidence of the subject's fair market value as of January 1, 2009 in the record is the August 2009 sale price of the property for \$55,000. The Property Tax Appeal Board finds the sale was not a transfer between family or related parties; the property was advertised for sale in the Multiple Listing Service and involved a Realtor. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value at that time. Moreover, the board of review did not adequately contest the arm's-length nature of the subject's sale by asserting a 2010 revaluation resulted in an assessment change "which now better reflects the true value of the homes." Based on the foregoing facts and analysis, the Property Tax Appeal Board finds the subject's August 2009 sale price of \$55,000 was arm's-length in nature.

Based on this record, the Property Tax Appeal Board finds the subject property had a market value of \$55,000 on January 1, 2009. The subject's assessment reflects an estimated market value of approximately \$81,741, which is substantially higher than its arm's-length sale price. Since the fair market value of the subject has been established, the Board finds that the 2008 three-year median level of assessment 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

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: January 31, 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.