



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

APPELLANT: Steve Bantz  
DOCKET NO.: 10-00104.001-R-1  
PARCEL NO.: 28-22-14-176-002

The parties of record before the Property Tax Appeal Board are Steve Bantz, the appellant; and the Champaign 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 **Champaign** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$6,220  
**IMPR.:** \$10,450  
**TOTAL:** \$16,670

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story manufactured dwelling of frame construction containing 1,406 square feet of living area. The dwelling is 37 years old. Features of the home include a crawl space foundation, a fireplace, central air conditioning and a detached carport. The property has a 10,920 square foot site and is located in St. Joseph Township, Champaign County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on February 13, 2008 for a price of \$50,000. The appellant completed Section IV Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, Tom Hays of Century 21, the property had been advertised on the open market using a Multiple Listing Service ("MLS") and it had been on the market for 7 days. In further support of the transaction the

appellant submitted a copy of the settlement statement and MLS sheet. The settlement statement supports the appellant's claim the subject was purchased on February 13, 2008 for \$50,000. The MLS sheet depicts a listing price of \$55,000 with the subject being on the market for 7 days. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$33,210 was disclosed. The subject's assessment reflects a market value of \$99,610 or \$70.85 per square foot of living area, including land, when applying the 2010 three-year average median level of assessment for Champaign County of 33.34% as determined by the Illinois Department of Revenue.

In support of the assessment the board of review submitted information on four comparable sales improved with one-story dwellings of frame or masonry construction that range in size from 1,270 to 1,435 square feet of living area. The dwellings ranged in age from 29 to 39 years old. Each comparable is located in St. Joseph, Illinois, same as the subject. The evidence revealed the subject is a manufactured home, whereas, the comparables were not. Three of the comparables had central air-conditioning, three have a fireplace and each has a 2-car or 2.5-car garage. The comparables have sites ranging in size from 11,050 to 15,856 square feet of land area. The comparables sold from May 2008 to March 2009 for prices ranging from \$111,000 to \$135,000 or from \$79.91 to \$94.49 per square foot of living area, including land. The board of review argued the subject's sale was not an arms-length transaction because it was only on the market for 7 days. Based on this evidence, the board of review requested confirmation of the subject's assessment.

During questioning by the appellant, the evidence revealed the board of review has considered sales of property in the past without much consideration of the number of days a property is listed on the market. The testimony revealed each case was individually analyzed to determine the arm's-length nature of the transaction. The evidence also revealed the county's record depicted the subject's sale in 2008 to be a valid sale, meaning it was considered an arm's length transaction. The board of review further testified that an average sale in St. Joseph was on the open market for approximately 72 days. Further evidence revealed the board of review has accepted as evidence of market value a sale occurring up to 2 years from the assessment date at issue.

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 a reduction in the subject's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 to do. 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); 86 Ill.Admin.Code §1910.63(e). 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record to be the purchase of the subject property on February 13, 2008 for \$50,000. The Board gave less weight to the comparable sales submitted by the board of review because they were different from the subject property. The evidence revealed the subject is a manufactured home, whereby the comparables were not. The Board finds based on the testimony of the appellant and the evidence presented, the February 2008 sale was an arm's length transaction and is the best indicator in this record of the subject's market value as of January 1, 2010. The MLS sheet depicts the subject had a listing price of \$55,000, was on the market for 7 days and eventually sold for \$50,000. The Board notes a sale occurring 1 year and 10 months prior to the assessment date in question calls into question the validity of

the estimated market value, the evidence further revealed the board of review had considered past sales for up to 2 years when determining market value. The subject's assessment reflects a market value of \$99,610, which is significantly above the February 13, 2008 sale price. The Board gave greater weight to the subject's sale due to the fact the evidence revealed the subject is a manufactured home and the sale comparables submitted by the board of review were not. The subject's purchase in 2008 had the elements of an arm's length transaction as it was not sold between related parties, a real estate agent was used, it was advertised or exposed on the open market, even if for only 7 days, and was a transaction between a willing seller and a willing buyer. Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment is justified.

Since market value has been determined the 2010 three-year average median level of assessments of 33.34% for Champaign County 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.



Chairman



Member



Member



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: February 21, 2014



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.