



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

APPELLANT: Aaron & Dianah Young  
DOCKET NO.: 10-00217.001-R-1  
PARCEL NO.: 09-18-476-002

The parties of record before the Property Tax Appeal Board are Aaron & Dianah Young, the appellants; and the Whiteside County Board of Review, by Christopher E. Sherer of Giffin, Winning, Cohen & Bodewes, P.C., as Special Assistant State's Attorney.

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 Whiteside County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$1,906  
**IMPR.:** \$14,290  
**TOTAL:** \$16,196

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of frame construction containing 1,976 square feet of living area. The home was built in 1903. Features of the home include a partial unfinished basement, central air conditioning and a 320 square foot detached garage. The dwelling is situated on approximately 10,890 square feet of land area located in Mt. Pleasant Township, Whiteside County, Illinois.

The appellant, Aaron Young, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants completed Section IV-Recent Sale Data of the Residential Appeal and submitted the Settlement Statement disclosing the subject was purchased on September 24, 2010 for a price of \$48,102. The subject was sold by U.S. Bank, the transfer was not between family or related corporations and was advertized by the realtor firm Ruhl & Ruhl through agent Jerry Lancaster.

The appellant argued that the subject was in a severely dilapidated condition when purchased in 2010, which could be seen in the photographs within the appraisal. The appellant also acknowledged that the roof was in such bad condition that the shingles were curling and disintegrating and pieces were falling into the gutters. The appellant testified that the porch had rotten wood which needed replaced and there was missing siding in the rear of the home.

The appellants also submitted an appraisal of the subject property prepared by Jean E. Ridley, a state certified appraiser. The appraiser was not present at the hearing. The intended use of the appraisal report was for a mortgage finance transaction. The appraisal report conveys an estimated market value for the subject property of \$51,000 as of September 17, 2010 using the sales comparison approach to value.

Based on this evidence, the appellants requested the subject's assessment be reduced to \$16,406 to reflect the recent sale price.

Under cross-examination, the appellant testified that the subject was advertized through the Multiple Listing Service (henceforth MLS) by Jerry Lancaster of Ruhl & Ruhl Properties in the Quad Cities and that he became aware of the property by viewing the sign in the yard. The appellant further testified that the subject was purchased from U.S. Bank, possibly through foreclosure, and that he did not know the amount that was remaining on the previous loan. The appellant also stated that he was not sure how long the subject was exposed to the real estate market.

At the hearing, the board of review's representative objected to consideration of the entire appraisal, except for the photographs which the appellant could attest, since the appraiser was not present to provide testimony and/or be cross-examined with regard to the report. The objection was taken under advisement by the Board's Administrative Law Judge.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$25,094 was disclosed. The subject's assessment reflects an estimated market value of \$74,529 or \$37.72 per square foot of living area including land using Whiteside County's 2010 three-year average median level of assessments of 33.67%.

In support of the subject's assessment the board of review submitted information provided by Whiteside County's Supervisor of Assessments, Robin Brands, comprised of a grid analysis detailing three comparable sales.

In rebuttal, Brands asserted the appellant purchased the subject from a bank as a foreclosure, after previously being purchased in July 1998 for \$81,000. In addition, Brands reported the township had 55 arms-length-sales, which support the subject's assessment.

The board of review also argued the appellants' appraisal included two sales that were sheriff's sales or bank deeds as foreclosed property.

The board of review's comparables are improved with two-story dwellings of frame exterior construction located within 5 blocks of the subject. The dwellings range in size from 1,050 to 2,110 square feet of living area. The dwellings were constructed from 1905 to 1930. The comparables feature full basements, one of which is 50% finished, central air conditioning, one fireplace and garages ranging in size from 240 to 360 square feet of building area. The comparables sold from May to December 2010 for prices ranging from \$70,000 to \$110,000 or from \$42.07 to \$91.90 per square foot of living area, including land.

The board of review's representative called Whiteside County's Supervisor of Assessment, Robin Brands, as a witness. Brands testified that a "bank sale" would not be classified as a "good sale" by the assessor's office, because a "bank sale" would not be between a willing buyer and a willing seller. Brands testified that the subject's condition as of January 1, 2010 was good or average. Brands further testified that the subject sold in July 11, 2012 for \$94,500 and that a new roof and other repairs would not equate to a \$40,000 increase in the subject's market value.

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

After hearing the testimony 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.

For this appeal, 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); 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 subject's sale price supports a reduction in the subject's assessment.

As an initial matter, the Property Tax Appeal Board hereby sustains the objection of the board of review's representative as to hearsay and admissibility. The Board finds that in the absence of the appraiser at hearing to address questions as to the selection of the comparables and/or the adjustments made to the comparables in order to arrive at the value conclusion set forth in the appraisal, the Board will give no weight to the appraisal and will strike the appraisal from the record. The

Board finds the appraisal report is tantamount to hearsay. Illinois courts have held that where hearsay evidence appears in the record, a factual determination based on such evidence and unsupported by other sufficient evidence in the record must be reversed. LaGrange Bank #1713 v. DuPage County Board of Review, 79 Ill. App. 3d 474 (2<sup>nd</sup> Dist. 1979); Russell v. License Appeal Comm., 133 Ill. App. 2d 594 (1<sup>st</sup> Dist. 1971). In the absence of the appraiser being available and subject to cross-examination regarding methods used and conclusion(s) drawn, the Board finds that the weight and credibility of the evidence and the value conclusion of \$51,000 as of September 2010 is significantly diminished and will be stricken from the record.

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). 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).

As to the subject's recent sale, the Board finds that the transfer meets the main elements of an arms-length transaction. The subject was advertized for sale by a realty firm and the buyer and seller were not related. The appellant testified that he did not know the length of the subject's exposure time on the real estate market; however, there is no evidence in the record that the subject was not exposed for a reasonable length of time. The record is void of any corroborating evidence and testimony that the seller, U.S. Bank, was compelled to sell the subject property at the price the buyers offered as argued by the board of review. The Board further finds that based on the appellant's testimony, the subject was in poor condition and in need of repairs. The subject's assessment reflects an estimated market value of \$74,529 or \$37.72 per square foot of living area including land, which is excessive in light of the subject's 2010 arm's-length sale price of \$48,102.

The Board gave less weight to the comparables submitted by the board of review. The Board finds the comparable sales presented by the board of review do not overcome the arms-length sale price evidence presented by the appellants. The Board gave less weight to the subject's 2012 sale price. This sale occurred greater than 21 months after the appellants' purchased the property and subsequently made repairs. Therefore, the Board finds the appellants demonstrated by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is 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.



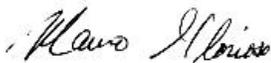
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Chairman



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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: November 22, 2013



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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.