FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Walter & Wanda Chowanski
DOCKET NO.: 10-02713.001-R-1
PARCEL NO.: 14-35.0-333-020

The parties of record before the Property Tax Appeal Board are Walter & Wanda Chowanski, the appellant, by attorney Randall Segatto, of Barber Segatto Hoffee Wilke & Cate, Springfield; and the Sangamon 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 **Sangamon** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$500
IMPR.:	$500
TOTAL:	$1,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling containing 672 square feet of living area that was built in approximately 1956. Features include a crawl space foundation.

The appellant, Walter Chowanski, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants submitted a listing sheet and a settlement statement. The evidence and testimony shows the appellants purchased the subject property for $3,000 in August 2009. The evidence shows the subject property was advertised for sale in the open market with a Realtor and the parties to the transaction were unrelated. The subject was listed for sale at $7,000 for approximately four months prior to its sale. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect its sale price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $2,550 was disclosed. The subject's assessment reflects an estimated market value of $7,651 or $11.39 per square foot of living area

including land when applying Sangamon County's 2010 three-year median level of assessment of 33.33%.

In support of the subject's assessment, the board of review submitted the subject's assessment calculation report and three suggested comparable sales. The evidence was prepared by the Deputy Assessor for Capital Township, Chip Smith. Smith was not present at the hearing for direct or cross-examination regarding the evidence prepared on behalf of the Sangamon County Board of Review.

The comparables consist of one-story frame dwellings that contain from 748 to 1,024 square feet of living area and were built from 1870 to 1955. Two comparables have crawlspace foundations and one comparable has an unfinished basement. One comparable has a garage. The comparables sold from May 2007 to June 2010 for prices ranging from $9,000 to $23,000 or from $8.79 to $30.75 per square foot of living area including land. 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 a reduction in the subject's assessment is warranted.

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 (3rd 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

In support of the overvaluation claim, the appellant submitted documentation with respect to the subject's recent sale price, while the board of review submitted three suggested comparable sales to support the subject's assessed valuation. 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**. (Emphasis Added) 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). The Property Tax Appeal Board finds there is no evidence contained in this record showing the subject's sale was not an arm's-length transaction. If fact, Board finds the evidence shows the subject's transaction meets the key fundamental elements of an arm's-length transaction. The buyer and seller were unrelated parties; neither party was under duress to buy or sell; and the subject property was exposed to the open market for a reasonable amount of time. Based on this analysis, the Board finds the best evidence of the subject's fair market is its August 2009 arm's-length sale price of $3,000, which is considerably less than the subject's estimated market value of $7,651 as reflected by its assessment.

The Board gave no weight to the evidence submitted on behalf of the board of review. Notwithstanding the fact the comparables have some dissimilar physical characteristics in comparison to the subject and two properties sold well prior to the subject's January 1, 2010 assessment date, the Board finds the evidence does not overcome the subject's arm's-length sale price. Moreover, the Board finds Deputy Assessor for Capital Township, Chip Smith, was not present at the hearing for direct or cross-examination with respect to the evidence prepared on behalf of the Sangamon County Board of Review, which severely undermines the credibility and veracity of the evidence.

Based on this analysis, the Property Tax Appeal Board finds the appellants have demonstrated the subject property is overvalued by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is incorrect and a reduction is warranted. Since fair market value has been established, the three-year median level of assessment for Sangamon County of 33.33% 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: April 19, 2013

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.