



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

APPELLANT: Ricky Smith  
DOCKET NO.: 10-03940.001-R-1  
PARCEL NO.: 15-03.0-304-014

The parties of record before the Property Tax Appeal Board are Ricky Smith, the appellant, and the Sangamon 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 **Sangamon** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$7,023  
**IMPR.:** \$34,547  
**TOTAL:** \$41,570

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story dwelling of brick and vinyl exterior construction containing 1,697 square feet of above grade living area. Features of the home include a basement, central air conditioning, a fireplace and a two-car garage. The property is located in Spaulding, Clear Lake Township, Sangamon County.

The appellant is contesting the assessment for the 2010 tax year based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in August 2007 for a price of \$89,000. The appellant completed portions of Section IV - Recent Sale Data of the appeal disclosing the property was sold through a Realtor and had been advertised on the market for 2 weeks in a local newspaper and in the Multiple Listing Service (MLS). The appellant submitted a copy of the MLS listing of the subject indicating the asking price was \$99,500 and the property sold for a price of \$89,000 on August 22, 2007. The appellant did not answer the question whether the parties to the transfer were related. Additionally, he did not identify who the property was purchased from but stated "see ATTCH 1." However, the attachment did not clearly identify the seller. The record further disclosed that the appellant filed the appeal from the notice of an application of a township equalization factor increasing the assessment from \$41,380 to \$41,570. The notice indicated the equalized

assessment reflected a market value of \$124,710. The appellant also submitted a copy of a decision issued by the Property Tax Appeal Board for the 2008 tax year under Docket No. 08-02436.001-R-1. In that appeal the Property Tax Appeal Board issued a decision on October 22, 2010 reducing the subject's assessment to \$29,334. Based on this evidence the appellant requested the subject's assessment be reduced to \$29,334.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$41,570 was disclosed. In support of the assessment the board of review submitted a copy of an Illinois Real Estate Transfer Declaration (PTAX-203) disclosing the subject property sold in June 2011 for a price of \$188,000. The transfer declaration indicated the property was advertised for sale and there was no showing that the sale was between related individuals. The board of review also asserted the property was not owner occupied. Based on this evidence the board of review requested the subject's assessment be increased to reflect the June 2011 purchase price.

In rebuttal the appellant asserted he occupied the subject dwelling until the property was sold in June 2011. In support of the assertion that he was living in the home the appellant submitted a copy of a bill from Columbia Insurance Group entitled Homeowners Policy Declarations indicating the owner occupied the dwelling. The policy period was from 8/22/10 to 8/22/11. The dwelling coverage limit on the policy was \$221,500.

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 not warranted.

The appellant contends 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). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist.

1983). 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, the Board finds the most probative evidence of market value in this record is the sale of the subject property that occurred in June 2011 for a price of \$188,000. The board of review submitted the Illinois Real Estate Transfer Declaration documenting the sale. This document also indicated the sale had the elements of an arm's length transaction. This sale occurred more proximate in time to the assessment date at issue than the appellant's purchase of the property in August 2007 for a price of \$89,000.

The Board further finds that the subject property was the subject matter of an appeal before the Property Tax Appeal Board in the 2008 and 2009 tax years under docket numbers 08-02436.001-R-1 and 09-06118.001-R-1. (See 86 Ill.Admin.Code 1910.90(i)). In those appeals the Property Tax Appeal Board issued decisions lowering the assessment of the subject property to \$29,334. Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, **unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based**, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Emphasis added.)

The record indicates the subject property is an owner occupied dwelling. Pursuant to section 1910.90(i) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code 1910.90(i)) the Board takes notice that the 2010 tax year is within the same general assessment period as the 2008 and 2009 tax years. (See 35 ILCS 200/9-215.) The evidence disclosed; however, the subject property sold in an arm's length transaction in June 2011 establishing a fair cash value significantly above the fair cash value on which the Board's decisions were based for the 2008 and 2009 tax years. Based on the June 2011 sale the Board finds the assessments as established in the prior years should not remain in effect.

The Board finds the subject's assessment reflects a market value below the June 2011 purchase price. However, considering the fact the subject sold in August 2007 for a price of \$89,000 and sold again in June 2011 for a price of \$188,000, the subject's assessment for the 2010 tax year reflecting a market value of \$124,710 is appropriate and no change in the 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.

*Donald R. Cuit*

Chairman

*[Signature]*

Member

*[Signature]*

Member

*[Signature]*

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: May 24, 2013

*[Signature]*

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.