



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

APPELLANT: Daniel Eibeck
DOCKET NO.: 10-04446.001-R-1
PARCEL NO.: 17-08.0-302-020

The parties of record before the Property Tax Appeal Board are Daniel Eibeck, 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: \$29,104
IMPR: \$76,395
TOTAL: \$105,499

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of masonry construction containing 2,435 square feet of living area. The dwelling is 15 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace¹ and a three-car garage.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted information on seven comparable properties described as 1 or 1.5-story masonry or frame and masonry dwellings that range in age from 9 to 22 years old. The comparable dwellings range in size from 2,225 to 3,800 square feet of living area. Features include full basements, central air conditioning, one to three fireplaces, and two to four-car garages. Five of comparables have finished basements. The comparables sold from January, 2010 through February, 2011 for prices that ranged from \$238,000 to \$320,000, or from \$78.95 to \$130.00 per square foot of living area, land included.

¹ Although the appellant reports two fireplaces, the assessing officials report only one.

In addition to the sales comparables, the appellant submitted an appraisal estimating the subject property had a market value of \$274,000 as of September 7, 2006. The appraiser developed only the sales comparison approach to value to estimate a value for the subject property. The appraiser calculated the subject's improvement size at 2,575 square feet of living area however a sketch or building measurements were not submitted to support the estimated size. The appraiser utilized three comparable sales that sold from November, 2005 through February, 2006 for prices that ranged from \$280,900 to \$327,000, or from \$116.75 to \$142.93 per square foot of living area, land included. The properties are improved with one-story single-family dwellings. The dwellings range in age from 4 to 11 years and in size from 2,057 to 2,500 square feet. After making adjustments to the properties, the appraiser estimated the subject's market value to be \$274,000 as of September 7, 2006.

Based on this evidence, the appellant requested a total assessment of \$91,333 which would reflect a market value of approximately \$274,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$116,588 was disclosed. The subject's equalized assessment reflects an estimated market value of \$350,114 or \$143.78 per square foot of living area, including land, using the 2010 three-year median level of assessments for St. Clair County of 33.30%.

The board of review presented descriptions and sales information on four comparable properties consisting of one-story frame, masonry, or frame and masonry dwellings that range in age from 10 to 24 years old. The dwellings range in size from 2,088 to 3,300 square feet of living area. Features include full basements, central air conditioning, one fireplace, and 2 to 4-car garages. Three of the comparables had finished basements. These properties sold from May 2010 through July 2011 for prices ranging from \$210,000 to \$340,000, or from \$92.40 to \$155.89 per square foot of living area, land included.

After reviewing the evidence, the board of review agreed to stipulate to a reduction in the subject's assessment from \$116,588 to \$105,499 which would reflect a market value of approximately \$316,497 or \$129.98 per square foot of living area, including land.

In rebuttal, the appellant rejected the proposed assessment reduction and requested the Board rule on the merits of the case. In the rebuttal the appellant pointed out that the board of review's comparables were larger than the subject with added formal features. In support of this argument, the appellant submitted a sales listing of board of review's comparable #1 and argued the property had a total finished area of 4,205 square feet along with a swimming pool and additional bathroom.

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.

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, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that the appellant has met this burden and further finds the evidence indicates a reduction is warranted.

The Property Tax Appeal Board gives no weight to the appraisal submitted by appellant. The Board finds the September 7, 2006 appraisal date is too far removed from the January 1, 2010 assessment date to accurately reflect the subject's market value as of the assessment date.

In determining the fair market value of the subject property, the Property Tax Appeal Board finds the best evidence in the record to be the comparable sales submitted by both parties. The Board further finds appellant's comparables 1 and 6 and board of review comparables 2 and 3 to be the most similar to the subject in size, style, exterior construction, features and age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold for prices that ranged from \$100.57 to \$130.00 per square foot of living area, land included. The subject's assessment reflects an estimated market value of \$350,114 or \$143.78 per square foot of living area, land included, which is considerably higher than the sales prices of the most similar comparables. Based on this analysis, the Board finds the preponderance of the evidence demonstrates the subject property was overvalued and a reduction is warranted.

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.