



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

APPELLANT: Richard & Mary Ann Monge
DOCKET NO.: 11-01234.001-R-1
PARCEL NO.: 16-10-203-018

The parties of record before the Property Tax Appeal Board are Richard & Mary Ann Monge, the appellants, by attorney Clyde B. Hendricks in Peoria, and the Peoria 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 Peoria County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$5,333
IMPR: \$0
TOTAL: \$5,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is an unimproved lot containing 17,298 square feet of land area located in the City of Peoria Township, Peoria County, Illinois.

The appellants contend overvaluation based on a recent sale of the subject property. The appellants completed Section IV-Recent Sale Data on the appeal form indicating the subject parcel was purchased, along with a second parcel, on June 28, 2011 for a total price of \$16,000. The form further disclosed that the parties to the transaction were not related, the property was advertised for sale in a local paper and by a yard sign. In further support of this argument, the appellants submitted a copy of the Illinois Real Estate Transfer Declaration, PTAX-203, disclosing the subject parcel, along with a second parcel, was purchased in June 2011 for \$32,000, but was not advertised for sale.

Based on this evidence, the appellants requested the subject's assessment be reduced to \$5,333 to reflect the subject's portion of the purchase price.¹

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$9,390 was disclosed. The subject's assessment reflects an estimated market value of \$28,480, using Peoria County's 2011 three-year average median level of assessments of 32.97%.

In support of the subject's assessment, the board of review submitted sale sheets from the Peoria Area Association of Realtors of four suggested comparable sales. The comparables are unimproved parcels located in Peoria County. Comparables #1 did not have its size disclosed, but sold in June 2007 for \$35,000. Comparable #2 also did not have its size disclosed, but sold in May 2006 for \$26,475. Comparable #3 contains 8,120 square feet of land area and sold in September 2012 for \$49,000 or \$6.03 per square foot of land area. Comparable #4 contains 69,696 square feet of land area and sold in April 2013 for \$45,000 or \$.65 per square foot of land area.

The board of review did not address nor challenge the subject's sale price. The board of review also failed to submit the subject's property record card, which is required by the rules of the Property Tax Appeal Board.

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

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 the evidence in the record supports a reduction in the subject's assessment.

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); 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 evidence in this record supports a reduction in the subject's assessment.

¹ The appellants' original complaint involved the subject parcel and did not include the second parcel, which was included in the subject's sale. The appellants attempted to amend their complaint to include the second parcel, but failed to submit the Board of Review's original decision for the second parcel required by the rules of the Property Tax Appeal Board. Therefore, the Property Tax Appeal Board will only address the complaint of the subject parcel as reflected in the appellants' original complaint.

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 (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).

As to the subject's recent sale, the Board finds that the evidence submitted by the appellants was conflicting as to whether the subject was advertised for sale. The Recent Sales Data portion of the appellants' complaint disclosed the subject was advertised for sale; however, the subject's Illinois Real Estate Transfer Declaration was marked as if the subject was not advertised for sale. The Board takes note that the subject parcel was part of a sale in June 2011 for \$32,000, which included two parcels. The Board gave less weight to the board of review's comparables. Comparables #1 and #2 sold in June 2007 and May 2006, respectively. These sales would lack probative value as to the subject's fair market value as of the subject's January 1, 2011 assessment date. Comparable #3 and #4 sold in September 2012 and April 2013. These sales would lack probative value as to the subject's fair market value as of the subject's January 1, 2011 assessment date. 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 commensurate with the appellants' request 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

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: December 20, 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.