



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

APPELLANT: Frank & Renee Wright
DOCKET NO.: 13-00695.001-R-1
PARCEL NO.: 18-20-103-004-0040

The parties of record before the Property Tax Appeal Board are Frank & Renee Wright, the appellants; and the Vermilion 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 **Vermilion** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 21,355
IMPR.: \$ 97,417
TOTAL: \$ 118,772

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Vermilion County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a one and one-half story brick dwelling with 3,190 square feet of living area. The dwelling was constructed in 2005. Features include a full basement with 2,133 square feet of finished area, central air conditioning and attached and detached garages that total 2,261 square feet of building area¹. The subject property has a 40,075 square foot site. The subject property is located in Newell Township, Vermilion County.

¹ See section III of residential appeal petition.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants completed Section IV of the residential appeal petition pertaining to the subject's recent sale. The subject property was purchased on November 26, 2012 for \$446,550. The property was sold with the assistance of a Realtor; the property was advertised for sale in the open market through the Multiple Listing Service for over 90 days; and the buyer and seller were unrelated. The appellants also submitted a settlement statement (Exhibit B) as supporting evidence of the subject's sale. The appellants did not submit the subject's sales contract or Illinois Real Estate Transfer Declaration.

The appellants claim that the subject's sale included personal property items (Exhibit A) with an estimated value totaling \$150,202. The items include but are not limited to jet skis, a pontoon boat with trailer, home appliances, house electronics/media, potable heating and cooling pack, and garage cabinets. The appellants did not submit a bill of sale or photographs of the items.

In further support of the overvaluation argument, the appellants submitted three suggested comparable sales located in close proximity to the subject. The comparables consist of two-story style dwellings of brick or brick and vinyl exterior construction. Comparables #1 and #2 were built in 2006 and 2002 respectively, but the age for comparable #3 was not disclosed. Two comparables have finished basements and one comparable has an unfinished basement. The comparables have central air conditioning and two and one-half or three car garages. Two comparables have one or two fireplaces. The dwellings range in size from 2,800 to 2,963 square feet of living area and are situated on sites that contain from 26,250 to 37,026 square feet of land area. The comparables sold from February 2012 to November 2013 for prices ranging from \$151,667 to \$359,000 or from \$54.17 to \$122.53 per square foot of living area including land.

The appellants also argued Vermilion County Assessment Officials illegally engaged in "sale chasing" to establish the subject's assessed valuation.

The appellants also submitted the final decision issued by the Vermilion County Board of Review disclosing the subject's final assessment of \$118,772. The subject's assessment reflects an estimated market value of \$356,673 or \$111.81 per square foot of living area including land when applying Vermilion County's 2013 three-year median level of assessments of 33.30%. Based on this evidence, the appellants requested the subject's assessment be reduced to \$109,507, which reflects an estimated market value of approximately \$328,521 or \$102.99 per square foot of living area including land.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the

subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a).

Conclusion of Law

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. 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 appellants did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The Board gave little weight to the subject's sale price and estimated values for personal property items. The Board finds the settlement statement submitted by the appellants (Exhibit B) did not disclose any value associated with personal property involved in the transaction. The Board further finds the appellants estimate of value for the purported personal property to be suspect. The value evidence associated with the electronic equipment and household appliances were for cost new items and postdate the subject's sale date. The appellants did not submit or include a bill of sale, a sales contract or Real Estate Transfer Declaration (PTAX-203) detailing the purported personal property items a for review included in the transaction. As a result, the Property Tax Appeal Board finds the appellants failed to substantiate their estimate of value for the personal property that was included in the transaction. Additionally, the Board cannot conclusively find that some of the items under contention are personal property due to a lack of substantive documentation regarding the manner in which these items are situated or affixed to the real property. As a result, the Property Tax Appeal Board finds the documentation surrounding the subject's sale fails to substantiate a reduction in the subject's assessed valuation for the items claimed to be personal property.

The Board further finds the comparable sales submitted by the appellants support the subject's assessed valuation. The Board finds comparables #1 and #3 are more similar to the subject in location, age, design, size and features, however the subject is somewhat superior to these comparables in terms of land area, dwelling size and finished basement area. These two comparables sold in September 2012 and November 2013 for prices of \$330,000 and \$359,000 or \$111.37 and \$122.53 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$356,673 or \$111.81 per square foot of building area including land, which is well supported by the two most similar comparable sales contained in the record. The Board gave little weight to comparable sale #2 submitted by the appellants. This suggested comparable sold for \$151,667, which

appears to be an outlier considering the sale price of the subject and comparable properties that are contained in this record.

The Board further finds the assessment officials in this appeal did not "chase" the subject's sale price. The subject's assessment prior to any board of review action reflected a fair market value less than its 2012 sale price.

In conclusion, the Board finds the appellants failed to demonstrate the subject's assessed valuation was excessive. Therefore, no reduction in the subject's assessed valuation 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.

Chairman

[Handwritten Signature]

[Handwritten Signature]

Member

Member

[Handwritten Signature]

[Handwritten 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: October 24, 2014

[Handwritten 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.