



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

APPELLANT: William and Mary Higgins
DOCKET NO.: 11-00848.001-R-1
PARCEL NO.: 99-11-227-023

The parties of record before the Property Tax Appeal Board are William and Mary Higgins, the appellants, and the Knox 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 Knox County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$2,700
IMPR.: \$8,007
TOTAL: \$10,707**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Knox County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 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 1.5-story dwelling of frame construction with 1,440 square feet of living area. The dwelling was constructed in 1948. Features of the home include

a full unfinished basement and a detached three-car garage.¹ The property has a 14,940 square foot site and is located in Galesburg, City of Galesburg Township, Knox County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased on May 17, 2011 for a price of \$32,000. In addition, the appellants presented a grid analysis of four additional comparable sales located within 2.1-miles of the subject property to establish that the subject was overvalued. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,240. The subject's assessment reflects a market value of \$66,467 or \$46.16 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Knox County of 33.46% as determined by the Illinois Department of Revenue.

In rebuttal, the board of review reported that it was their policy/practice to never make "adjustments for a sale, to any property, until the year after the sale. If the sale was an arm's length transaction, and after a sales study was completed, the property proved to need an adjustment, increase or reduction, then at the Township Assessor's level the year following the sale, the Assessor would adjust the assessment." Furthermore, the board of review reported that the subject's assessment was adjusted for 2012.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales and also submitted documentation that the subject property sold in June 2010 for \$78,252 to explain its 2011 assessment.

Based on the foregoing evidence and the policy/practice of the board of review, the board of review requested confirmation of the subject's assessment.

¹ While some contradictory characteristics were reported by the board of review for the subject dwelling, the Board finds the best evidence was presented in the characteristics sheet submitted by the board of review and the descriptive information provided by the appellants. The subject dwelling did not have central air conditioning or a fireplace at the time of purchase.

In rebuttal, the appellants reiterated their contention that the recent sale price is the best evidence of the subject's market value.

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

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). 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). In light of this holding, the comparable sales submitted by both parties were given less weight.

The Board finds the best evidence of market value to be the purchase of the subject property in May, 2011 for a price of \$32,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor from Countryside, agent Robert Andrews, the property had been advertised on the open market

with the Multiple Listing Service and it had been on the market for 147 days. The appellants also submitted a copy of the Settlement Statement that reiterated the purchase price and date of purchase.

In further support of the purchase price, the appellants reported that numerous upgrades and improvements have been made to the subject dwelling since the date of purchase in order to make the dwelling habitable. The Board further finds that these improvements made subsequent to the purchase support that the purchase price was reflective of the property's market value as of the assessment date at issue of January 1, 2011.

The Board finds the purchase price of \$32,000 is below the market value reflected by the assessment of \$66,467. Furthermore, the Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value.

Based on this record the Board finds the subject property had a market value of \$32,000 as of January 1, 2011. Since market value has been determined the 2011 three year average median level of assessment for Knox County of 33.46% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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.



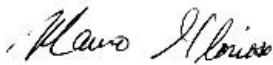
Chairman



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: February 20, 2015



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.