



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

APPELLANT: Jack Chandler
DOCKET NO.: 12-03690.001-R-1
PARCEL NO.: 06-21.0-220-017

The parties of record before the Property Tax Appeal Board are Jack Chandler, 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: \$ 6,930
IMPR.: \$19,002
TOTAL: \$25,932

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the St. Clair County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2012 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-story style frame dwelling with 1,500 square feet of living area that was built in 2006. The dwelling has concrete slab foundation, central air conditioning and a 400 square foot garage. The subject property

has a 7,405 square foot site and is located in Sugar Loaf Township, St. Clair County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject's assessment was not reflective of market value. In support of this argument, the appellant completed section IV of the residential appeal petition disclosing the subject property was purchased on March 8, 2012 for \$75,000. The appeal petition indicated the sale was not between related parties and the property sold through foreclosure by a realtor after being exposed to the open market for 12 months.

The appellant also submitted an appraisal of the subject property estimating a fair market value of \$87,000 as of February 27, 2012.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$21,880, which reflects an estimated market value of \$65,647.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final equalized assessment of \$29,209 was disclosed. The subject's assessment reflects an estimated market value of \$87,295 or \$58.20 per square foot of living area including land when applying St. Clair County's 2012 three-year average median level of assessment of 33.46%. 86 Ill.Admin.Code §1910.50(c)(1).

In response to the appeal, the board of review argued the subject's sale was "not qualified", but did not provide any further explanation as to the criteria of a qualified or non-qualified sale. The board of review submitted the Real Estate Transfer Declaration associated with the sale of the subject property. The document revealed the subject property was purchased in February 2012 for \$77,500; the sale was not between related parties; the property was advertised for sale; and the seller was a financial institution.

In support of the subject's assessment, the board of review submitted three suggested comparable sales located in close proximity to the subject. They sold in April 2011 or 2012 for prices ranging from \$92,000 to \$116,900 or from \$57.04 to \$85.33 per square foot of living area including land.

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

Conclusion of Law

The appellant contends 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 appellant met this burden of proof.

The Board finds the best evidence of market value contained in this record is the subject's sale price in February 2012 for \$77,500, just two months subsequent to the subject's January 1, 2012 assessment date. The Board finds the subject's sale appears to meet the fundamental elements of an arm's-length transaction. The sale was not between related parties; the property was advertised for sale. The seller was a financial institution, however, the board of review did not present any substantive evidence showing compulsion to buy or sell. Moreover, the board review did not present any definition of explanation as to why the subject's sale was "not qualified." Thus, the Board finds the board of review did not present any credible evidence that would demonstrate the subject's sale was not an arm's-length transaction. The subject's assessment reflects an estimated market value of \$87,295, which is more than its recent sale price. 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 two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an 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 (1st Dist. 1983).

The Board further finds the comparable sales submitted by the board of review do not overcome the subject's arm's-length sale

price as provided by the aforementioned controlling Illinois case law.

In conclusion, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence. Since fair market value has been established, St. Clair County's 2012 three-year average median level of assessment of 33.46% shall apply.

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.

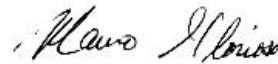
Chairman



Member



Member



Member



Acting 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: September 18, 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.