



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

APPELLANT: Daniel Asberry
DOCKET NO.: 12-04170.001-R-1
PARCEL NO.: 04-15.0-401-011

The parties of record before the Property Tax Appeal Board are Daniel Asberry, 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: \$ 6,542
IMPR.: \$ 8,578
TOTAL: \$15,120

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 manufactured home of frame construction. The dwelling contains 1,512 square feet of living area and was built in 1997. Features include central air conditioning and a 384 square foot attached garage. The

subject property has a 7,841 square foot site and is located in O'Fallon 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 April 4, 2012 for \$16,000. The appeal petition indicated the sale was not between related parties; the property sold through foreclosure by a realtor; but was not exposed to the open market. The appellant submitted the settlement statement associated with the sale of the subject property. The appellant also submitted a letter from Cathy Dey, a broker with Caldwell Banker involved with the transaction. She was asked to list the subject property for sale in November 2011 for \$17,000 from the bank who foreclosed on the property. Day indicated the subject property had been appraised at \$17,000.¹ However, due to title issues, the listing was postponed. The broker did call several investors, including the appellant, to inform them about the upcoming listing. The appellant expressed interest and negotiated with the bank for a final sale price of \$16,000.

In further support of the overvaluation claim, the appellant submitted two suggested comparable sales and two sale listings. The comparables had varying degrees of similarity when compared to the subject. Comparables #1 and #2 sold in December 2010 and January 2013 for prices of \$15,000 and \$28,500 or \$11.57 and \$16.96 per square foot of living area including land. Comparable #3 and #4 were listed for prices of \$36,000 and \$79,000 or \$24.00 and \$48.47 per square foot of living area including land.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$6,500, which reflects an estimated market value of approximately \$19,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final equalized assessment of \$31,720 was disclosed. The subject's assessment reflects an estimated market value of \$94,800 or \$62.70 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).

¹ The appraisal was not submitted to the Property Tax Appeal Board.

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 in relation to the definition of an arm's-length transaction.

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 from January to November of 2010 for prices ranging from \$44,900 to \$75,000 or from \$21.88 to \$46.30 per square foot of living area including land².

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 gave less weight to the subject's sale price of \$16,000. The Illinois Supreme Court 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). The Property Tax Appeal Board finds the subject's sale does not meet one of the key fundamental requirements to be considered an arm's-length transaction. The Board finds the record shows the subject property was not advertised or exposed for sale in the open market to be considered an arm's-length transaction reflective of market value. The general public did not have the same opportunity as the appellant to purchase the subject property at the negotiated sale price.

Absent an arm-length transaction, Illinois courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. Chrysler Corporation v. Property Tax Appeal Board, 69

² Comparables #1 and #2 were classified as "unqualified" sales like the subject.

Ill.App.3d 207 (1979) and Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989). The Board finds market value evidence submitted by both parties demonstrates the subject's assessment is excessive. The appellant submitted two comparable sales that sold for prices of \$15,000 and \$28,500 or \$11.57 and \$16.96 per square foot of living area including land and two properties listed for sale for prices of \$36,000 and \$79,000 or \$24.00 and \$48.47 per square foot of living area including land. The board of review submitted three comparable sales that sold for prices ranging from \$44,900 to \$75,000 or from \$21.88 to \$46.30 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$94,800 or \$62.70 per square foot of living area including land, which is greater than the comparables submitted by both parties. Thus, a reduction in the subject's assessment 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.

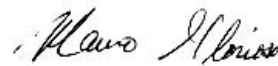
Chairman



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.