



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

APPELLANT: Mohammad Khamee
DOCKET NO.: 12-04392.001-R-1
PARCEL NO.: 08-081-149-00

The parties of record before the Property Tax Appeal Board are Mohammad Khamee, the appellant; and the Jersey 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 **Jersey** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$710
IMPR.: \$ 0
TOTAL: \$710

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Jersey 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 1.73 acre unimproved wooded site. The subject property is contiguous to a parcel (08-081-029-00) that is improved with single-family residence. The appellant is the owner and taxpayer for both parcels. The

subject property is located in Quarry Township, Jersey 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 part of a recent sale. The appellant submitted Illinois Real Estate Transfer Declaration, a settlement statement and purchase agreement associated with the sale of the subject property. The documentation indicates the subject property was purchased together with the contiguous improved parcel in March 2012 for \$200,000. The appeal petition indicated the sale was not between related parties and the parcels had been advertised for sale in the open market for one and one half years.

The appellant explained that he had appealed the assessments of both parcels before the Jersey County Board of Review based on their sale price. The Jersey County Board of Review reduced the assessment of the improved property to \$65,955, which reflects an estimated market value of approximately \$197,865. The appellant argued by deducting the market value for the improved parcel, as established by the Jersey County Board of Review, from the subject's sale price results in market value for the vacant wooded lot of \$2,135.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$710, which reflects an estimated market value of \$2,130.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$5,710 was disclosed. The subject's assessment reflects an estimated market value of \$17,132 or \$9,903 per acre when applying the statutory level of assessment of 33.33%.

In response to the appeal, the board of review noted the subject is a "back out-lot with limited access."

In support of the subject's assessment, the board of review submitted nine suggested comparable land sales located within ½ of a mile from the subject. The comparables have road frontage with good access. The comparables contain from .33 of an acre to 1.11 acres of land area. They sold from February 2010 to September 2010 for prices ranging from \$11,500 to \$30,000 or from \$20,833 to \$45,455 per acre of land area. The board of

review calculated a median sale price of \$23,423 per acre. The board of review also explained the there was atypical financing arrangements involved in the sale for seven of the comparables. Based on this evidence, the board of review argued the subject's estimated market value of \$17,132 or \$9,903 per acre is supported.

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 March 2012. The evidence shows the subject property was purchased by the appellant together with the contiguous improved parcel in March 2012 for a total price of \$200,000. The evidence shows the appellant appealed the assessments of both parcels before the Jersey County Board of review based in their sale price. The Jersey County Board of Review reduced the assessment of the improved property to \$65,955, which reflects an estimated market value of approximately \$197,865. By deducting the market value for the improved parcel, as established by the Jersey County Board of Review, from the subject's arm's-length sale price results in a market value for the subject vacant wooded lot of \$2,135. The appeal petition indicated the sale was not between related parties and the parcels had been advertised for sale in the open market for one and one half years. The Board finds the board of review did not present any credible evidence that would demonstrate the sale was not an arm's-length transaction or even address the appellant's argument with respect to the subject's residual value based on its sale price. The subject's assessment reflects an estimated market value of \$17,132, which is more than its recent residual 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 gave little weight to the comparable sales submitted by the board of review. The sales occurred in 2010, which are dated and less reliable indicators of market value as of the subject's January 1, 2012 assessment date. Eight of the suggested comparables are considerably smaller than the subject. All the comparables have road frontage with good access, unlike the subject. Finally, it appears that seven of the land sales were atypical transactions due to the fact the seller offered incentives in the form of property tax rebates or reimbursement of the entire purchase price of the lots. Thus, these sales may not be arm's-length transactions that are reflective of market value.

In conclusion, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, a reduction in the subject's assessment is warranted commensurate with the appellant's request.

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.

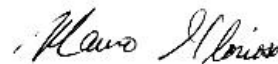
Chairman



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.