



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

APPELLANT: Matthew & Kelly Fargher
DOCKET NO.: 13-00399.001-R-1
PARCEL NO.: 06-06-17-200-011

The parties of record before the Property Tax Appeal Board are Matthew & Kelly Fargher, the appellants, and the Mercer 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 **Mercer** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$7,865
IMPR.: \$78,135
TOTAL: \$86,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Mercer 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 1.5-story single-family dwelling of frame construction with 2,790 square feet of living area.¹ The dwelling was constructed in 1999. Features of the

¹ The assessing officials report the subject dwelling contains 2,934 square feet, but the property record card that was provided to support the assertion lacks any schematic drawing to support the stated dwelling size. In

home include a full basement which is 80% finished, central air conditioning, two fireplaces² and an attached two-car garage of 538 square feet of building area. The property also features a 1,200 square foot pole building. The property has a 4.39-acre site and is located in Sherrard, Richland Grove Township, Mercer County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellant reported a recent purchase of the subject property and also submitted a recent appraisal of the subject property prepared in conjunction with the purchase transaction.

In Section IV - Recent Sale Date, the appellants reported the subject property was purchased on July 12, 2013 for \$254,900 from the prior owners. The buyer and seller were not related, the property was sold through a Realtor with ReMax and was advertised for sale through the Multiple Listing Service for approximately two months prior to the sale. The appellants further expended \$500 in renovations prior to occupying the subject dwelling.

In addition, the appellants submitted an appraisal with an estimated market value of \$258,000 as of July 1, 2013.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$98,433. The subject's assessment reflects a market value of \$296,039 or \$106.11 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Mercer County of 33.25% as determined by the Illinois Department of Revenue.

In rebuttal, the board of review submitted a three-page letter from Mary A. McClellan, Clerk of the Board of Review, along with a grid of three comparable sales and supporting documentation. As to the subject's purchase price, the board of review submitted an unsigned copy of the Settlement Statement reiterating the purchase price and date along with a recorded copy of the PTAX-203 Illinois Real Estate Transfer declaration

contrast, the appellants' appraiser included a schematic drawing to support his stated dwelling size of 2,790 square feet.

² The appraisal reports and depicts photographs of two fireplaces; the assessing officials only report one fireplace.

which depicted that the property was advertised prior to being sold via Warranty Deed for the purchase price of \$254,900.

In the letter, McClellan asserted the appraisal has "a large percent of adjustments on all comparables" and therefore is not good evidence of market value. The appraisal also summaries area market conditions with sales and the subject's purchase price was "at the low range of sales." Furthermore, the board of review disputed the number of days the subject was on the market with an unverified hearsay statement, "CIAO/Assessor noted to BOR during the appeal process that the residence had been on the market several times, many for sale signed by other realtor companies" From this, the board of review concludes that the subject was sold under duress and the sale price was below market value.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located 1.76 to 1.79-miles from the subject property. The comparable parcels range in size from .66 to 1.25-acres of land area and are improved with two one-story and one 1.5-story dwelling. The homes were built between 1992 and 2008 and range in size from 2,023 to 2,545 square feet of living area. Each home has a basement, two of which have finished areas. The dwellings have central air conditioning, a fireplace and a garage ranging in size from 772 to 977 square feet of building area. These properties sold between August 2013 and March 2014 for prices ranging from \$249,900 to \$480,000 or from \$110.62 to \$188.60 per square foot of living area, including land.

The board of review's submission also included discussion of assessment equity. This equity data will not be further addressed by the Property Tax Appeal Board as this evidence is not responsive to the appellants' overvaluation complaint.

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

In written rebuttal, the appellants noted the subject is a rural property whereas the board of review's comparable sales are located at Fyre Lake which is on a "Jack Nicklaus designed" golf course in Sherrard. As understood by the appellants, the subject property was originally listed for sale on May 24, 2013. The appellants also submitted a signed copy of the Settlement Statement regarding the sale transaction.

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.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean 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 so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Our Supreme Court has indicated that a sale of property during the tax year in question is a "relevant factor" in considering the validity of an assessment. [citations omitted]. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983).

On this record, the Board finds the best evidence of market value to be the purchase of the subject property in July, 2013, a date seven months after the assessment date of January 1, 2013, for a price of \$254,900. Furthermore, 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, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market since May 24, 2013.

In further support of the transaction the appellants submitted a copy of the signed Settlement Statement and the board of review

submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosing the property had been advertised and was sold via a Warranty Deed. Additionally, the appellants submitted a copy of the appraisal that was prepared for the purchase transaction reflecting an estimated market value of \$258,000 as of July 1, 2013.

The Board finds the purchase price of \$254,900 is below the market value reflected by the assessment of \$296,039. Moreover, the Property Tax Appeal Board finds the board of review did not present any substantive or well-supported evidence to challenge the arm's length nature of the sale transaction or to refute the contention that the purchase price was reflective of market value. Furthermore, the Board finds the comparables presented by the board of review were in a superior location near a lake and golf course with additional amenities not present at the subject property.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellants' request 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.

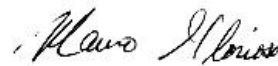
Chairman



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.