



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

APPELLANT: Michael Finn
DOCKET NO.: 13-04240.001-R-1
PARCEL NO.: 11-067-005-00

The parties of record before the Property Tax Appeal Board are Michael Finn, the appellant, and the Cass County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the **Cass** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,400
IMPR.: \$14,450
TOTAL: \$16,850

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cass 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 one-story dwelling of frame construction with 884 square feet of living area. The dwelling was constructed in 1950. Features of the home include a crawl-space foundation, central air conditioning, both an attached garage of 364 square feet and a detached garage of 624 square

feet. The property has a 14,400 square foot site and is located in Virginia, Virginia Township, Cass County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on March 31, 2011 for a price of \$50,000 which included \$2,500 for personal property. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price of approximately \$47,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$16,850. The subject's assessment reflects a market value of \$50,074 or \$56.64 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Cass County of 33.65% as determined by the Illinois Department of Revenue.

In rebuttal, the board of review submitted a memorandum noting that the subject was purchased in 2011 for \$47,500, but the board of review "feels that the value of the property has increased since that time." In addition, the board of review disputed the assertion that the property was advertised because the appellant was the Realtor who listed the property and ultimately purchased the property with "no commission due."

In support of its contention of the correct assessment the board of review submitted a grid analysis with information on six properties, four of which included sales data. The sales occurred between October 2004 and April 2012 for prices ranging from \$50,000 to \$80,000 or from \$50.96 to \$73.26 per square foot of living area, including land.

Based on this evidence and argument, 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 did not meet this

burden of proof and a reduction in the subject's assessment is not warranted.

The Property Tax Appeal Board has given little weight to the March 2011 purchase of the subject property because the arm's length nature of the transaction has been called into question. The appellant Michael Finn reported in Section IV of the Residential Appeal petition that he is a Realty Agent who "bought house from owner for \$47,500" While the parties were not related, he did not report how long the property had been advertised.

The Property Tax Appeal Board has also given little weight to board of review comparables #2, #4 and #6 which reflect sales the occurred between October 2004 and September 2010 which dates are remote in time to the assessment date of January 1, 2013 and thus less likely to be indicative of the subject's market value.

The Board finds the best evidence of market value in the record to be the board of review comparable sale #3 which occurred in April 2012. This comparable is similar to the subject in location, style, construction, features, age and/or land area, except that the subject has a second garage which is not present on this comparable. This property also sold proximate in time to the assessment date at issue for a price of \$50,000 or \$56.82 per square foot of living area, including land. The subject's assessment reflects a market value of \$50,074 or \$56.64 per square foot of living area, including land, which is similar to the best comparable sale in this record and furthermore supported by the subject's March 2011 purchase price of \$47,500.

Based on this record the Board finds the subject's assessment appears to be reflective of market value and a reduction in the subject's assessment is not 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

K. L. Ferr

Member

JR

Member

Mark Albino

Member

Jerry White

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

A. Portol

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.