



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

APPELLANT: Mark Russo
DOCKET NO.: 13-04408.001-R-1
PARCEL NO.: 04-22.0-307-008

The parties of record before the Property Tax Appeal Board are Mark Russo, 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: \$32,116
IMPR: \$113,884
TOTAL: \$146,000

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 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 is improved with a two-story single family dwelling of brick, stone and frame construction with 3,974 square feet of living area.¹ The dwelling was constructed in

¹ The appellant's appraisal indicated the subject dwelling had 3,974 square feet of living area. The board of review indicated the subject had 3,822 square feet of living area based on the subject's property record card. The

2005 and is approximately 8 years old. Features of the home include a full unfinished basement, central air conditioning, two fireplaces, a sprinkler system and a three-car attached garage. The property has a 41,907 square foot site and is located in O'Fallon, O'Fallon Township, St. Clair County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$438,000 as of June 19, 2012. The appraisal was prepared by Erika Obrecht, an associate real estate trainee appraiser, and William Wydra, certified residential real estate appraiser. The property rights appraised was the fee simple estate and the assignment type was a purchase transaction. The appraisal indicated the subject property sold in an arm's length sale with a contract initiated on May 19, 2012 and accepted on May 20, 2012 for a price of \$435,000.

In estimating the market value of the subject property the appraisers developed the sales comparison approach to value using three comparable sales improved with two-story dwellings that ranged in size from 3,741 to 4,200 square feet of living area. The dwellings ranged in age from 3 to 21 years old and were located from 5.99 to 8.62 miles from the subject property. Each comparable had a basement with one being partially finished, central air conditioning, 1 or 3 fireplaces and a three-car attached garage. The comparables had sites ranging in size from 13,250 to 18,790 square feet of land area. The comparables sold from May 2011 to January 2012 for prices ranging from \$410,000 to \$495,000 or from \$102.38 to \$132.32 per square foot of living area, including land. Adjustments were made to the comparables for differences from the subject in land area and features to arrive at adjusted prices ranging from \$429,890 to \$520,626. Using this information the appraisers estimated the subject property had a market value of \$438,000.

On the appeal form the appellant indicated the subject property was purchased in 2012 for a price of \$435,000 but provided no other details or documents associated with the purchase. The appellant requested the subject's assessment be reduced to \$146,000 to reflect the appraised value.

Board finds the best evidence of size to be contained in the appellant's appraisal which had a schematic diagram and measurements of both floors while the subject's property record card had a diagram and measurements of only the subject's footprint.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$157,133. The subject's assessment reflects a market value of \$470,458 or \$118.38 per square foot of living area, land included, when using the 2013 three year average median level of assessment for St. Clair County of 33.40% as determined by the Illinois Department of Revenue.

In its submission the board of review noted the comparables used by the appellant's appraisers were located 6 to 8 miles from the subject property and were in different townships. The board of review asserted the comparable sales it used were located within the immediate area of the appellant's property.

In its analysis the board of review noted the subject property sold in July 2012 for a price of \$435,000. It asserted, however, the sale was "non-qualified" but did not explain the basis for that conclusion. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject property. The transfer declaration indicated the property was advertised for sale but disclosed the property was a Bank REO (real estate owned) at the time of sale. The seller was identified as First County Bank and the price was reported to be \$435,000.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two part two-story and part one-story dwellings, a two-story dwelling and a one-story dwelling that ranged in size from 2,470 to 2,912 square feet of living area. The dwellings were constructed from 2005 to 2008. Each comparable had a basement with three having finished area, central air conditioning, one fireplace and an attached garage ranging in size from 713 to 1,328 square feet of building area. These comparables sold from May 2012 to November 2013 for prices ranging from \$334,900 to \$425,000 or from \$117.59 to \$170.02 per square foot of living area, including land. The board of review submitted copies of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sales. Board of review sale #2 was reported to be a Bank REO (real estate owned) at the time of sale and the seller was identified as First County Bank.

In rebuttal the appellant submitted another copy of the appraisal and argued the appraisal reinforced the purchase price. The appellant also submitted a new comparable sale located in O'Fallon improved with a two-story dwelling with 5,942 square feet of living area that sold in June 2013 for a

price of \$397,000 or \$66.81 per square foot of living area, including land. Section 1910.66(c) of the rules of the Property Tax Appeal Board provides:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Admin.Code §1910.66(c)).

Based on this rule the Board finds it can give no consideration to the new comparable sale submitted by the appellant in rebutta.

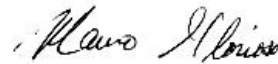
Conclusion of Law

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 and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant estimating the subject had a market value of \$438,000 as of June 19, 2012. Although the comparable sales utilized in the appraisal were not located particularly near the subject dwelling, these properties were improved with dwellings more similar to the subject in size than were the comparable sales provided by the board of review. The Board further finds the appraised value is also buttressed by the subject's purchase price of \$435,000. The Board recognizes that the subject property was a Bank REO (real estate owned) at the time of sale but the subject's transfer declaration indicated the property was advertised for sale. Less weight was given the sales provided by the board of review as each was significantly smaller than the subject dwelling; comparable #4 was a one-story dwelling differing from the subject in style; and comparables #1 and #3 had finished basements unlike the subject's unfinished basement. The size differential, features and size would justify these properties commanding a higher price per square foot of living area than the subject dwelling. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

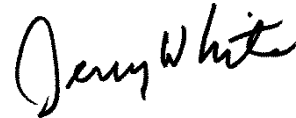
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Chairman



Member

Member



Member

Acting Member



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: November 20, 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.