



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

APPELLANT: Fortress Properties, LLC
DOCKET NO.: 14-00096.001-R-1
PARCEL NO.: 04-12-12-277-010

The parties of record before the Property Tax Appeal Board are Fortress Properties, LLC, the appellant; and the Macon County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A reduction** in the assessment of the property as established by the **Macon** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,468
IMPR.: \$5,552
TOTAL: \$8,020

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Macon County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 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 exterior construction that has 780 square feet of living area. The dwelling was built in 1947. Features include a crawl space foundation and a 334 square foot attached garage. The dwelling is situated on a .46 acre site. The subject property is located in Decatur Township, Macon County, Illinois.

The appellant argued the subject property was overvalued. In support of this claim, the appellant completed Section IV of the residential appeal petition showing the subject property sold in December 2013 for \$10,000. The appeal petition indicates the transfer was not between family or related corporations; the property was sold by owner; the property was advertised of sale through Craigslist, a yard sign, and workplace classified ads. The property had some interior renovation and a new roof at a reported cost of \$7,000 before being occupied in April 2014. The appellant submitted the Settlement Statement and purchase and sale agreement associated with

the sale of the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$10,600. The subject's assessment reflects an estimated market value of \$32,150 or \$41.22 per square foot of living area including land when applying Macon County's 2014 three-year average median level of assessment of 32.97%.

With respect to the subject's sale, the board of review submitted a copy of the Real Estate Transfer Declaration (PTAX-203), which was signed by the buyer and seller, showing the subject property was not advertised for sale. The board of review further argued the appellant do not provide supporting documentation showing the subject property was advertised for sale on Craigslist, a yard sign, or workplace classified ads.

In support of its assessment, the board of review submitted information on three comparable sales located within .8 of a mile from the subject property. The comparables consist of one-story dwellings of frame exterior construction that were built from 1948 to 1960. Features had varying degrees of similarity when compared to the subject. The dwellings range in size from 616 to 1,104 square feet of living area and have sites that range in size from .14 to .22 of an acre of land area. The comparables sold from August 2013 to September 2014 for prices ranging from \$20,000 to \$32,000 or from \$18.12 to \$40.58 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant submitted receipts/invoices pertaining to some of the building materials and labor costs to repair the subject dwelling. The appellant argued the subject dwelling was in poor condition and the time of sale due to termite damage, a damaged roof and flea infestation, which validates the purchase price as being representative of fair market value. In addition, the appellant submitted three new comparable sales for the Board's consideration.

Conclusion of Law

As an initial matter, the Board finds it cannot consider the three new comparable sales submitted by the appellant under rebuttal. Section 1910.66(c) of the rules of the Property Tax Appeal Board states:

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 guise of rebuttal evidence. (86 Ill.Admin.Code §1910.66(c)).

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 evidence contained in the record demonstrates the subject's assessed value is excessive.

The record contains information pertaining to the subject's sale price and three comparable sales for the Board's consideration. 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). The Property Tax Appeal Board gave little weight to the subject's December 2013 sale price. The Board finds the subject's sale does not meet one of the fundamental elements of an arm's-length transaction. The board of review submitted a copy of the Real Estate Transfer Declaration (PTAX-203) showing the subject property was not advertised for sale on the open market. The Board finds the appellant did not submit any corroborating evidence showing the subject property was advertised for sale on Craigslist, a yard sign or workplace classified ads.

The Board finds the comparable sales submitted by the board of review had varying degrees of similarity when compared to the subject in location, land area, design, age, dwelling size and features. The unrefuted evidence also shows the subject dwelling was in a state of disrepair at the time of sale and the subject's January 1, 2014 assessment date. The comparables sold from August 2013 to September 2014 for prices ranging from \$20,000 to \$32,000 or from \$18.12 to \$40.58 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$32,150 or \$41.22 per square foot of living area including land, which falls above the range established by the most similar comparable sales contained in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment 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: _____

CERTIFICATION

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 23, 2016



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.