



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

APPELLANT: Ruth Smith
DOCKET NO.: 14-00217.001-R-1
PARCEL NO.: 24-2-01-34-01-101-015

The parties of record before the Property Tax Appeal Board are Ruth Smith, the appellant; and the Madison County Board of Review.

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

LAND: \$8,120
IMPR.: \$31,490
TOTAL: \$39,610

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Madison 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 is improved with a one-story dwelling of brick exterior construction with 1,854 square feet of living area. The dwelling was constructed in 1961 and is approximately 53 years old. Features of the home include an unfinished basement, central air conditioning, one fireplace and a two-car attached garage with 484 square feet of building area. The subject property is located in Godfrey, Godfrey Township, Madison County.

The appellant and her son, Paul Smith, appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales improved with one-story dwellings that ranged in size from 1,172 to 2,494 square feet of living area. The dwellings ranged in age from 47 to 60 years old. The dwellings were located in Godfrey from .3 to 2.5 miles from the subject property. The dwellings were of frame, brick or stone and frame construction. One comparable has a full basement, three comparables have crawl space foundations and one comparable has a slab

foundation. Each comparable had central air conditioning, two comparables each had one fireplace and three comparables had garages ranging in size from 300 to 500 square feet of building area. The sales occurred from April 2013 to November 2013 for prices ranging from \$60,000 to \$75,000 or from \$29.27 to \$51.67 per square foot of living area, including land. Based on these sales the appellant requested the subject's assessment be reduced to \$30,900 to reflect a market value of \$92,700 or \$50.00 square foot of living area.

Mr. Smith testified he selected the comparables and was of the opinion comparable #5 was the best comparable. He also testified that after his mother purchased the dwelling in 2000 they did not do any major structural improvements to the home. The witness explained that they cleaned the home, painted the walls, installed a new furnace and air conditioning system and installed a new electrical service. Mr. Smith testified the subject property has the original 1961 cabinets and the 1961 bathroom fixtures. He explained that the only new exterior feature was a new garage door.

Mr. Smith testified that his comparable sale #5 was sold by Liberty Bank, which was handling the estate of Glen D. Rogers. He indicated this property was purchased by Jerome Jacobs, who buys these types of homes, rehabs the homes and resales them. Mr. Smith testified this property was not sold through a Realtor but did have a sign in the yard. He did know how long this property had been on the market.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,610. The subject's assessment reflects a market value of \$118,878 or \$64.12 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Madison County of 33.32% as determined by the Illinois Department of Revenue. Appearing on behalf of the board of review were Bessie Powers, Tamara Soland and Susan Rolens.

In rebuttal the board of review asserted appellant's comparable sale #1 had a slab foundation, appellant's comparable sales #2, #3 and #4 had crawl space foundations; comparable sale #4 was not an arm's length sale and comparable #5 was not an arm's length sale. The property record card associated with appellant's comparable sale #4 disclosed that the grantor was Federal Home Loan Mortgage and the property record card associated with appellant's sale #5 disclosed the seller was Liberty Bank. The board of review witness indicated that they thought these were not arm's length sales due to the manner in which they were coded on the transfer declarations.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one-story dwellings of brick or brick and frame trim construction that ranged in size from 1,486 to 1,742 square feet of living area. The dwellings ranged in age from 49 to 59 years old and were located from .15 to 1.62 miles from the subject property. Each comparable has a full basement with two being partially finished, each comparable has central air conditioning, one comparable has a fireplace and each comparable has an attached garage ranging in size from 462 to 580 square feet of building area. Board of review sale #2 had the same address as appellant's sale #5 and was a subsequent sale of the property. The sales occurred from May 2012 to July 2014 for prices ranging from \$136,500 to \$172,000 or from \$88.40 to \$110.96 per square foot of living area, including land. The board of review requested confirmation of the subject's assessment.

In rebuttal the Mr. Smith asserted that board of review sale #2, which was a subsequent sale of appellant's comparable #5, had been rehabilitated prior to the second sale. He testified that this property had new windows, new guttering, a new roof, all new exterior concrete, a new concrete slab in the garage and new heating and air conditioning.

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 Board finds the best evidence of market value to be appellant's comparable sale #5 and board of review comparable sales #1, #3 and #4. These comparables were improved with one-story dwellings of brick or brick and frame trim exterior construction that ranged in size from 1,479 to 1,550 square feet of living area. The dwellings were similar to the subject in age, features and location. The sales occurred from May 2012 to January 2014 for prices that ranged from \$75,000 to \$154,000 or from \$48.38 to \$100.74 per square foot of living area, including land. The subject's assessment reflects a market value of \$118,878 or \$64.12 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Less weight was given the remaining comparable sales provided by the appellant as each of these comaprables had a slab foundation or a crawl space foundation differing from the subject's basement. Furthermore, there was some issue with respect to whether appellant's comparable sale #4 was an arm's length transaction. Less weight was given board of review sale #2 as this property was described as having undergone significant remodeling or rehabilitation prior to its July 2014 sale for a price of \$172,000 or \$110.96 per square foot of living area, including land. Based on this evidence the Board finds 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



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: August 19, 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.