



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

APPELLANT: Mark Russo
DOCKET NO.: 14-03159.001-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 in this matter, the Property Tax Appeal Board hereby finds **No Change** 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: \$31,598
IMPR.: \$130,586
TOTAL: \$162,184

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 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 two-story dwelling of brick and stone exterior construction with 3,974 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a three-car attached garage. The property has a 41,382 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 under the supervision of William Wydra. In estimating the market value of the subject property the appraiser 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; each comparable had central air conditioning; the comparables had one or three fireplaces; and each comparable had a three-car garage. These properties had sites ranging in size from 13,250 to 18,790 square feet of land area. The sales occurred from June 2011 to February 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. The appraiser made adjustment to the comparables for differences from the subject property to arrive at adjusted prices ranging from \$429,890 to \$520,626. Based on this evidence the appraiser arrived at an estimated value of \$438,000 or \$110.22 per square foot of living area, including land, as of June 19, 2012. Based on this evidence the appellant requested the subject's assessment be reduced to \$146,000 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 \$162,184. The subject's assessment reflects a market value of \$485,726 or \$122.22 per square foot of living area, land included, when using the 2014 three year average median level of assessment for St. Clair County of 33.39% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with a one-story dwelling and three part two-story and a part one-story dwellings of brick or frame and brick exterior construction that ranged in size from 3,372 to 4,169 square feet of living area. The dwellings were constructed from 1991 to 2002. Each dwelling has a basement that is partially finished, central air conditioning, one or two fireplaces and a garage ranging in size from 651 to 914 square feet of building area. The comparables had sites ranging in size from 30,492 to 78,408 square feet of land area and were located from 3.19 to 8.03 miles from the subject property.. The sales occurred from January 2012 to June 2014 for prices ranging from \$428,000 to \$495,000 or from \$118.73 to \$138.76 per square foot of living area, including land. Board of review sale #4 was the same comparable as appellant's appraisal comparable sale #2; however, the board indicated this property had 4,169 square feet of living area whereas the appraiser indicated the property had 3,741 square feet of living area. The board of review also indicated this comparable had 42,253 square feet of land area while the appraiser indicated the property had 15,219 square feet of land area.

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 comparable sales #1 and #2 submitted by the board of review. These two comparables were relatively similar to the subject property in style, age and features with the exception each had a partially finished basement and each was slightly smaller than the subject property. These two comparables were also most similar to the subject in location. Board of review comparable sales #1 and #2 sold most proximate in time to the assessment date in July 2013 and December 2013 for prices of \$480,000 and \$470,000 or for

\$138.24 and \$138.76 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$485,726 or \$122.22 per square foot of living area, including land, which is slightly above the overall prices of the two comparables but below the prices of the two comparables on a per square foot basis. The subject's overall higher value is justified when considering the subject's larger dwelling size. The Board gave less weight to the appraisal provided by the appellant as the report had an effective date approximately 18 months prior to the January 1, 2014 assessment date at issue. Additionally, the sales used by the appellant's appraiser occurred from approximately 23 months to 30 months prior to the assessment date at issue. The Board finds this time differential calls into question whether these sales would be reflective of fair cash value as of the assessment date. Less weight was given board of review sale #3 as the dwelling differed from the subject in style. Less weight was given board of review sale #4 due to the fact the sale occurred approximately two years prior to the assessment date at issue. 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.