



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

APPELLANT: Craig and Jill King
DOCKET NO.: 14-03449.001-R-1
PARCEL NO.: 29-17.0-128-012

The parties of record before the Property Tax Appeal Board are Craig and Jill King, the appellants; and the Sangamon 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 Sangamon County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 15,113
IMPR.: \$ 107,914
TOTAL: \$ 123,027

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed this appeal pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) from a notice of equalization issued by the Sangamon County Board of Review. The appellants challenged the assessment for the 2014 tax year. The Property Tax Appeal Board finds that it has limited jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a two-story frame dwelling that contains 2,708 square feet of living area. The dwelling was constructed in 2012. Features include a concrete slab foundation, central air conditioning, one fireplace and a three car attached garage. The property has a 15,916 square foot site. The subject property is located in Chatham Township, Sangamon County, Illinois

The appellants argued the subject property was overvalued and inequitably assessed. In support of these claims, the appellants

submitted three comparables located in close proximity to the subject. The appellants indicated the comparables were improved with two-story dwellings. However, photographs show the properties were improved with a one and one-half story and two, one-story dwellings. The comparables had varying degrees of similarity when compared to the subject in land area, exterior construction, dwelling size, age and features. The comparables have land assessments ranging from \$13,327 to \$15,535 or from \$.92 to \$1.08 per square foot of land area. The comparables have improvement assessments that ranged from \$81,632 to \$83,067 or from \$25.96 to \$30.34 per square foot of building area. Comparables #2 and #3 sold in November 2006 and March 2012 for prices of \$285,000 and \$300,000 or \$93.75 and \$95.00 per square foot of living area including land.

The evidence further disclosed the appellants purchased the subject property in December 2013 for \$370,000 or \$136.63 per square foot of living area including land. The sale met the fundamental elements of an arm's-length transaction.

The appellants also submitted the final decision issued by the Sangamon County Board of Review. This evidence revealed that the appellants filed this appeal directly to the Property Tax Appeal Board following receipt of notice of a township equalization factor of 1.0305 issued by the board of review increasing the subject's total assessment from \$119,386 to \$123,027. The subject's equalized assessment reflects an estimated market value of \$369,229 or \$136.35 per square foot of living area including land when applying Sangamon County's 2014 three-year average median level assessment of 33.32%. The subject property has a land assessment of \$15,535 or \$.95 per square foot of land area and an improvement assessment of \$83,067 or \$39.85 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a).

Conclusion of Law

The taxpayer argued in part assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to

the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants failed to meet this burden of proof and no reduction in the subject's assessment is warranted on this basis.

The appellants submitted three assessment comparables for the Board's consideration. The Board finds these comparables were one and one-half story or one-story style dwellings, dissimilar to the subject's two-story design. The Board finds the assessments of dissimilar style dwellings do not demonstrate assessment inequity by clear and convincing evidence. With respect to the subject's land assessment, the appellants provided three comparables located in close proximity and were similar in land size to the subject. These comparables have land assessments ranging from \$13,327 to \$15,535 or from \$.92 to \$1.08 per square foot of land area. The subject property has a land assessment of \$15,535 or \$.95 per square foot of land area, which falls within the range established by the land comparables submitted by the appellants. Based on this analysis, the Board finds the appellant failed to demonstrate the subject's land or improvement assessments were inequitable and no reduction is warranted.

The appellants argued overvaluation as an alternative basis of the appeal. 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 appellants did not meet this burden of proof and no reduction in the subject's assessment is warranted on this basis.

The Board finds the best evidence of market value contained in this record is the sale of the subject property in December 2013 for \$370,000, less than one month prior to the January 1, 2014 assessment date. The subject's assessment reflects an estimated market value of \$369,229, which is slightly less than its recent sale price. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The sale was not between related parties, the property was advertised for sale and there was no compulsion involved in the transaction. 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). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. (Emphasis Added) Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. (Emphasis Added) Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983).

Since the subject's assessment reflects a market value less than its recent sale price, the Board finds no reduction in the subject's assessment is warranted. Based on this analysis, the Board finds the appellants failed to demonstrate the subject property was overvalued based on a preponderance of the evidence in the record.

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



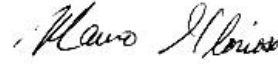
Member



Member



Member



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: March 18, 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.