



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

APPELLANT: Darin & Andrea Markert
DOCKET NO.: 15-00294.001-R-1
PARCEL NO.: 14-33-431-012

The parties of record before the Property Tax Appeal Board are Darin and Andrea Markert, the appellants; and the McLean 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 **McLean** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$9,951
IMPR.: \$12,716
TOTAL: \$22,667

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the McLean County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 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 frame construction with 1,576 square feet of living area. The dwelling was constructed in 1925. Features of the home include a slab foundation, central air conditioning and a one-car attached garage with 243 square feet of building area. The property has a 13,747 square foot site and is located in Bloomington, City of Bloomington Township, McLean County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on January 31, 2013 for a price of \$45,000. The appellants indicated the property was purchased from John C. and Jo Ellen T. Schoenbrun and the parties were not related. The appellants further indicated the property was sold through a Realtor, the property been listed for sale in the Multiple Listing Service and the property had been marketed for 128 days. To document the transaction the appellants submitted a copy of the settlement statement associated with the sale. The appellants

also submitted a Real Estate Valuation Form from Town & Country Financial Corp. which compared the 2012 assessment reflecting a market value of \$133,710 to the contracted sales price of \$45,000 using comparable sales and an income approach. The Real Estate Valuation Form concluded the tax records appear greatly overstated. The appellants also submitted a copy of a decision issued by the Property Tax Appeal Board for the 2013 tax year under Docket Number 13-00083.001-R-1 reducing the subject's assessment to \$15,000. Based on this evidence, the appellants requested the subject's assessment be reduced to \$15,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,667. The subject's assessment reflects a market value of \$68,542 or \$43.49 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for McLean County of 33.07% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a written narrative and information on three comparable sales. Initially, the board of review questioned the arm's length nature of the subject's sale asserting the purchase was the result of a "short sale." The board of review provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject property which indicated the transaction was a "short sale." The board of review also provided a copy of a "Notice of Foreclosure" and a copy of a Release of Mortgage or Trust Deed by Corporation associated with the subject property.

The board of review further noted that 2015 was a general assessment year and the parcel was revalued pursuant to sections 9-155 and 9-215 of the Property Tax Code (35 ILCS 200/9-155 & 9-215). It further noted the subject property is not owner occupied.

In support of the assessment the board of review provided information on three comparable sales improved with one-story dwellings that ranged in size from 1,614 to 1,718 square feet of living area. The board of review indicated that comparables #1 and #3 were constructed in 1955 and 1960, respectively, while the age of comparable #2 was unknown. One comparable had a crawl space foundation and two comparables had slab foundations. Two comparables had central air conditioning, each comparable had one fireplace and each comparable had a garage ranging in size from 325 to 621 square feet of building area. The sales occurred from October 2013 to December 2014 for prices ranging from \$65,000 to \$94,000 or from \$37.83 to \$55.46 per square foot of living area, including land. Based on this evidence the board of review requested confirmation of the assessment.

Conclusion of Law

The appellants contend 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 appellants 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 in the record to be the three comparable sales submitted by the board of review. These comparables had varying degrees of similarity to the subject property. These properties also sold more proximate in time to the assessment date at issue than did the sale of the subject property. The comparables sold for prices ranging \$65,000 to \$94,000 or from \$37.83 to \$55.46 per square foot of living area, including land. The subject's assessment reflects a market value of \$68,546 or \$43.49 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. The Board gave less weight to the subject's sale due to the fact the transaction did not occur proximate in time to the assessment date at issue. The Board also gave little weight to the Real Estate Valuation Form from Town & Country Financial Corp. submitted by the appellants as it was not dated; there was no evidence with respect to the credentials of the person who prepared the report; there was no disclosure of the size of the comparable sales included in the report or the dates of sale; and there was no market data to support the market rent, expense ratio or the capitalization rate used in the income approach. The Board gave less weight to the sale of the subject property as the transaction occurred in January 2013, not proximate in time to the assessment date. Based on this record 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



Acting Member



Member



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: July 21, 2017



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.