



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

APPELLANT: Robert R. Swanson
DOCKET NO.: 15-03327.001-R-1
PARCEL NO.: 09-08-22-208-007

The parties of record before the Property Tax Appeal Board are Robert R. Swanson, the appellant; and the Fulton 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 **Fulton** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 4,070
IMPR.: \$13,510
TOTAL: \$17,580

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Fulton 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 consists of a one-story dwelling of frame construction that has 1,300 square feet of living area. The dwelling was constructed in 1955. The home features a concrete slab foundation, central air conditioning, a fireplace and a 660 square foot detached garage. The subject has a 10,875 square foot site. The subject property is located in Canton Township, Fulton County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information pertaining to the subject's sale. The evidence shows subject property sold in December 2015 for \$53,000. The appellant completed Section IV of the residential appeal petition disclosing the parties to the transaction were not family or related corporations and the property was advertised for sale in the open market with a Realtor through the Multiple Listing Service (MLS) for approximately two months. The appellant submitted a copy of the settlement statement and sales

contract 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 total assessment for the subject of \$20,180. The subject's assessment reflects an estimated market value of \$60,838 or \$46.99 per square foot of living area including land area when applying Fulton County's 2015 three-year average median level of assessment of 33.17%.

In support of the subject's assessment, the board of review submitted a brief addressing the appeal and three comparable sales. The board of review alleged that at the time of sale, the subject property was in probate in the estate of June Smith. Normally, executor deeds are not used in the sales ratio study and are not indicative of an arm's-length transaction since the seller is being required to sell in order to settle the estate.

The comparable sales consist of one-story dwellings of brick or frame exterior construction that were built from 1948 to 1959. Two comparables have unfinished basements and one comparable has a crawl space foundation. Each comparable has central air conditioning, two comparables have a fireplace and all the comparables have a garage that contain from 416 to 624 square feet of building area. The dwellings range in size from 872 to 1,196 square feet of living area and are situated on sites that range in size from 9,825 to 20,000 square feet of land area. The comparables sold from August to October of 2015 for prices ranging from \$65,000 to \$92,500 or from \$63.48 to \$106.08 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 argued the board of review did not refute the arm's-length nature of the subject's transaction. The appellant also disclosed that at the time of sale the home was in need of substantial updating and repairs which included electrical wiring, windows and a furnace. The appellant also argued the board of review submitted sales of updated brick homes with basements and two car garages.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation as a 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 appellant met this burden of proof.

The Board finds the best evidence of market value contained in this record is the sale of the subject property in December 2015 for \$53,000 or \$40.76 per square foot of living area including land. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The buyer and seller were not related and the subject property was exposed to the open market. The Board finds there is no direct evidence the parties were under duress or compelled to buy or sell. 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. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The subject's assessment reflects an estimated market value of \$60,838, which is greater than the subject's recent arm's-length sale price of \$53,000. The Board further finds the subject sale price reflects the condition of the property, which was in need of updating and repairs.

The Board gave less weight to the comparable sales submitted by the board of review. Notwithstanding that comparables #2 and #3 have superior unfinished basements when compared to the subject, the Board finds the comparable sales do not overcome the subject's arm's-length sale price.

Based on this analysis, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence and a reduction in the subject's assessment is warranted. Since fair market value has been established, Fulton County's 2015 three-year average median level of assessment of 33.17% shall apply.

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.