



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

APPELLANT: Mlipo2, LLC
DOCKET NO.: 16-00302.001-R-1
PARCEL NO.: 01-29-301-032

The parties of record before the Property Tax Appeal Board are Mlipo2, LLC, the appellant, by attorney Clark R. Mills, of Mills Law Office, in Springfield, and the Cumberland 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 **Cumberland** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,080
IMPR.: \$4,222
TOTAL: \$6,302

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cumberland County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 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 with 960 square feet of living area. The dwelling was constructed "circa 1980." Features of the home include a full basement and central air conditioning. The property has a 10,842 square foot or approximately a .21-acre site and is located in Neoga, Cottonwood Township, Cumberland County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on May 9, 2016 for a price of \$19,500. The appellant completed Section IV – Recent Sale Data of the appeal petition reporting that the subject property was purchased from Federal Home Loan Mortgage Corporation, the parties to the transaction were not related, the property was advertised by a realtor for approximately two months through both the Multiple Listing Service and the internet. The property was sold in settlement of a foreclosure. In further support, the appellant provided a

copy of the PTAX-203 Illinois Real Estate Transfer Declaration reiterating the purchase price and depicting that the property was advertised prior to the Bank REO sale transaction. A copy of the Settlement Statement similarly reflects the purchase price, date of sale and depicts the distribution of broker's fees to two entities. Additionally, photographs of the interior of the property depict poor condition. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,222. The subject's assessment reflects a market value of \$59,474 or \$61.95 per square foot of living area, land included, when using the 2016 three year average median level of assessment for Cumberland County of 32.32% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales of properties located in close proximity to the subject. The comparable properties are described as a frame dwelling and two mobile homes that have construction dates of 1952 to 1994. The comparables range in size from 446 to 1,288 square feet of living area. Comparable #3, the frame dwelling, also has a fireplace and a 480 square foot garage. The comparables sold between October 1995 and July 2017 for prices ranging from \$20,000 to \$139,900, including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in May 2016 for a price of \$19,500. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a realtor, the property had been advertised on the open market with the Multiple Listing Service and on the Internet and it had been on the market for two months. In further support of the transaction the appellant submitted a copy of the sales contract/settlement statement, the PTAX-203 Illinois Real Estate Transfer Declaration and photographs depicting poor condition.

The Property Tax Appeal Board further finds the purchase price of \$19,500 is below the market value reflected by the assessment of \$59,474. The Board also finds the board of review did not present any evidence to challenge the arm's length nature of the transaction and the suggested comparable sales are either dissimilar mobile home dwellings and/or are dated sales which would not be indicative of market value as of the assessment date of January 1, 2016. Finally,

the Board finds that board of review comparable sale #3 is dissimilar to the subject by being superior in condition, features and garage amenity.

Based on this record the Board finds the subject property had a market value of \$19,500 as of January 1, 2016. Since market value has been determined the 2016 three year average median level of assessment for Cumberland County of 32.32% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman



Member

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: April 23, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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