



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

APPELLANT: Scott Caselli
DOCKET NO.: 16-06786.001-R-1
PARCEL NO.: 24-17-308-024

The parties of record before the Property Tax Appeal Board are Scott Caselli, the appellant, and the LaSalle 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 **LaSalle** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 6,147
IMPR.: \$12,186
TOTAL: \$18,333

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the LaSalle 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 and brick exterior construction with 1,086 square feet of living area. The dwelling was constructed in 1965. Features of the home include a crawl-space foundation, central air conditioning and an attached 336 square foot garage. The property has a .23 acre site and is located in Marseilles, Manlius Township, LaSalle 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 December 16, 2015 for a price of \$30,000. The appellant completed Section IV – Recent Sale Data of the Residential Appeal petition reporting the property was purchased from Wayne Riskedahl and Catherine Graffis, the owners of the property, the parties to the transaction were not related and the property was advertised for sale in the "local paper" for a period of three months. Also attached

to the appeal was a copy of the Closing Statement reiterating the purchase price, the date of sale and the parties to the transaction.

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 \$18,333. The subject's assessment reflects a market value of \$55,521 or \$51.12 per square foot of living area, land included, when using the 2016 three year average median level of assessment for LaSalle County of 33.02% as determined by the Illinois Department of Revenue.

In response to the appellant's recent purchase evidence concerning the subject property, the board of review in a letter prepared by Chairman Benjamin Dolder asserts that this "was not an arms length sale." While acknowledging the property was sold by the owner, Dolder reported an inability to find any evidence the property was advertised on the open market; no listing were found in the local paper and the appellant did not provide a copy of any listing with the appeal. Additionally, the board of review provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration related to this sale which depicts that the property was not advertised for sale.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located in Marseilles. The comparables consist of one-story dwellings of frame or vinyl siding exterior construction. The homes were built between 1945 and 1961 and range in size from 1,020 to 1,160 square feet of living area. Each comparable has a full basement and two comparables each have central air conditioning. Each comparable has a detached garage of either 480 or 704 square feet of building area. The comparables sold between April 2014 and August 2016 for prices ranging from \$61,500 to \$88,000 or from \$60.29 to \$75.86 per square foot of living area, including land.

Based on the foregoing evidence and argument, 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted evidence of the December 2015 purchase price of the subject property and the board of review submitted responsive data and three comparable sales in order to support their respective positions before the Property Tax Appeal Board.

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). In addition, Section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

The Property Tax Appeal Board finds the subject's sale does not meet at least two of the fundamental requirements to be considered an arm's-length transaction reflective of fair cash value. In the absence of any substantive evidence in the record that the subject property was actually advertised for sale, the Board finds the best evidence to be the PTAX-203 Real Estate Transfer Declaration filed with regard to the sale transaction. This document indicates, contrary to the appellant's unsupported assertion, that the subject property was not advertised or exposed for sale on the open market prior to the transaction. Based on this documentation, the general public did not have the same opportunity to purchase the subject property at any negotiated sale price. Therefore, the subject's sale price has been given little weight in this decision by the Property Tax Appeal Board as it is not considered indicative of fair market value.

Other recognized sources further demonstrate the fact a property must be advertised or exposed in the open market to be considered an arm's-length transaction that is reflective of fair market value. Black's Law Dictionary (referencing Bourjois, Inc. v. McGowan and Lovejoy v. Michels (citation omitted)), states:

"the price a property would command **in the market**" (Emphasis added). This language suggests a property must be publicly offered for sale in the market to be considered indicative of fair market value.

The Board finds there are other credible sources that specify a property must be advertised for sale in the open market to be considered an arm's-length transaction. The Dictionary of Real Estate Appraisal [American Institute of Real Estate Appraisers, *The Appraisal of Real Estate*, 8th ed. (Chicago American Institute of Real Estate Appraisers, 1983), provides in pertinent part:

The most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell **in a competitive market** under all conditions requisite to fair sale; The property is **exposed for a reasonable time on the open market**.

Additionally, the Property Assessment Valuation, 2nd edition, states: Market value is the most probable price, expressed in terms of money, that a property would bring if **exposed for sale in the open market** (Emphasis added) in an arm's-length transaction between a willing seller and a willing buyer; a reasonable time is allowed for **exposure to the open market**. (Emphasis added). (International Association of Assessing Officers, Property Assessment Valuation, 2nd edition, Pgs. 18, 35, (1996)). Since the appellant presented no factual evidence supporting the assertion that the subject property was advertised for sale or exposed to the open market in an arm's-length transaction such as a copy of the local newspaper listing/advertisement, the Board gave little weight to the subject's December 2015 sale transaction for market value consideration.

While each of these comparable properties are superior to the subject as they each have a full basement, 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 were similar to the subject in location, style, construction, features and/or age. The comparables sold between April 2014 and August 2016 for prices ranging from \$61,500 to \$88,000 or from \$60.29 to \$75.86 per square foot of living area, including land. The subject's assessment reflects a market value of \$55,521 or \$51.12 per square foot of living area, including land, which is below the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis which appears to be logical given the subject's crawl-space foundation when compared to the superior full basements of each of these comparables.

Based on this record, the Board finds a reduction in the subject's assessment is not justified on grounds of overvaluation.

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 21, 2020



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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