



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

APPELLANT: Patrick & Rachelle McCarthy
DOCKET NO.: 17-04515.001-R-1
PARCEL NO.: 03-33.0-104-008

The parties of record before the Property Tax Appeal Board are Patrick & Rachelle McCarthy, the appellants; and the St. Clair 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 **St. Clair** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$10,247
IMPR.: \$49,670
TOTAL: \$59,917

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the St. Clair County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2017 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 two-story single-family dwelling of frame and brick exterior construction that has 2,258 square feet of living area. The dwelling was constructed in 1990. The home features an unfinished basement, central air conditioning, a fireplace and a 440-square foot attached garage. The dwelling is situated on a 9,761-square foot site which is located in Fairview Heights, Caseyville Township, St. Clair County.

Rachelle McCarthy appeared on behalf of the appellants before the Property Tax Appeal Board claiming both overvaluation and assessment inequity as the bases of the appeal. In support of these claims, the appellants submitted a grid analysis of eight comparable properties located within one mile and in the same neighborhood as the subject property. Six comparables are located within two blocks of the subject property. Seven comparables are described as two-story dwellings, and one comparable is described as one-story dwelling of frame or frame and brick exterior construction ranging in size from 1,384 to 2,880 square feet of living area. The homes

were built from 1988 to 2002. Each home features an unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 360 to 567 square feet of building area. The dwellings are situated on sites that range in size from 8,625 to 15,750 square feet of land area. The sales of the comparables occurred from February 1990 to November 2017 for prices ranging from \$117,000 to \$158,415 or from \$94.41 to \$146.65 per square foot of living area, including land.¹ The properties have improvement assessments ranging from \$25,210 to \$47,048 or from \$12.71 to \$24.97 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The appellant, Rachelle McCarthy, testified that she and her family have owned and lived in this home for almost 30 years. She testified that they have witnessed the subject's neighborhood to be in a state of decline in property values due to a number of contributing factors. McCarthy testified that the neighborhood has been deteriorating from many foreclosures and lower-class economic population purchasing these homes who have not maintained the homes resulting in blight and distress of the homes which has negatively affected the marketability of the rest of the homes in the area. Furthermore, McCarthy testified that several homes in her neighborhood (including two homes within one block of the subject) are receiving reduced assessments due to damage to the property resulting from mine subsidence. McCarthy testified that she maintains her home in good condition and there is no known damage to her home due to mine subsidence, although her concrete driveway has cracks which is one indicator of potential subsidence issue.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$62,849. The subject's assessment reflects an estimated market value of \$187,441 or \$83.01 per square foot of living area including land area when applying St. Clair County's 2017 three-year average median level of assessment of 33.53%. The subject property has an improvement assessment of \$52,602 or \$23.30 per square foot of living area.

In support of the subject's assessment, the board of review submitted a grid analysis consisting of four comparable properties. One comparable was also submitted by the appellant. The comparables are located within one block from the subject and in the same subdivision. The dwellings are described as two-story single-family dwellings of frame or frame and brick exterior construction ranging in size from 1,932 to 2,084 square feet of living area. The dwellings were built from 1989 to 1995 and each home features an unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 380 to 576 square feet of building area. The dwellings are situated on sites ranging from 8,863 to 15,362 square feet of land area. The comparables sold from July 2015 to November 2017 for prices ranging from \$150,500 to \$188,000 or from \$74.06 to \$97.31 per square foot of living area including land.² The comparables have improvement assessments ranging from \$46,121 to \$52,230 or from \$22.70 to \$27.03 per square foot of living area.

¹ The appellant's grid erroneously depicts the dwelling sizes of the comparables based on their ground floor area. The Board has calculated the correct dwelling sizes based on the information contained in the property record cards for the eight comparables.

² The board of review grid analysis for comparable #2 (which is also appellant's comparable #4) erroneously states that this property sold for \$274,000. The appellant has submitted corrected PTAX-203 Form and a letter from a title company confirming this error and correcting the sale price to be \$150,500.

The board of review also submitted property record cards for the subject, its comparables and appellants' comparables. Finally, the board of review submitted photos of the comparables and aerial photos of the neighborhood.

Testifying before Property Tax Appeal Board on behalf of the board of review was Andrea L. Johnson, C.I.A.O., Chief Deputy for the St. Clair County Board of Review. Johnson testified that the neighborhood is not "blighted" as depicted by maps and photos submitted in evidence showing many retail stores and restaurants within close proximity to the subject. As to the mine subsidence issue, Johnson testified that two homes within one block of the subject received 20% and 30% assessment adjustments as "functional obsolescence" due to substantiated mine subsidence. Johnson testified that in order to qualify for the reduced assessment, a homeowner needs to file a "causation report" with the County Assessor prepared by the Mine Subsidence Fund identifying the damage to the property caused by mine subsidence. Johnson testified that the appellants have not claimed any physical damage to the property due to mine subsidence.

Based on this evidence, the board of review requested that the subject's improvement assessment be confirmed.

In rebuttal, the appellants submitted a narrative critiquing the evidence and an undated letter from the board of review. Specifically, the appellants contended that the board of review comparable #2 (which is a common comparable) sold for significantly less than reported on the grid analysis prepared by the board of review.

Conclusion of Law

The appellant contends in part 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 have not met this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The record contains eleven comparable sales for the Board's consideration of the appellant's overvaluation argument which includes one common comparable. The Board gives less weight to board of review comparable #4 along with appellants' comparables #1, #2, #3, #5, #6 and #7 due to their sale dates not occurring proximate in time to the subject's January 1, 2017 assessment date and therefore being less indicative of market value. The Board gave less weight to appellant's comparable #8 due to its dissimilar one-story ranch design and significantly smaller dwelling size when compared to the subject.

The Board finds the best evidence of market value to be the common comparable (appellant's comparable sale #4/board of review comparable sale #2) along with board of review comparables #1 and #3. These three comparables are most similar to the subject in location, age, size, design and features. The sale of these three most similar comparables occurred in September and November 2017 for prices ranging from \$150,500 to \$187,500 or from \$74.06 to \$89.97 per square foot of living area, including land. The subject's assessment reflects a market

value of \$187,441 or \$83.01 per square foot of living area including land, which falls within the range established by the most similar comparable sales in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds that the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and therefore, a reduction in the subject's assessment is not justified.

The Board has carefully considered the evidence in the record concerning mine subsidence and its potential negative effect on homes in the subject's neighborhood, as well as the parties' testimonies regarding "blight" and declining conditions of the subject's neighborhood. However, the market evidence does not support the claim of diminished value due to proximity of mine subsidence or purported "blight". Without the benefit of a professional market analysis by a licensed realtor or appraiser to quantify the negative effects that the aforementioned issues have on the subject's market value, the Board must base its decision upon the evidence in this record which contains three similar sales occurring proximate in time to the assessment date at issue.

The taxpayers also argued 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). The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent **pattern** (emphasis added) of assessment inequities within the assessment jurisdiction. 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 met this burden of proof.

The parties submitted for the Board's consideration the same eleven comparables for the assessment inequity (uniformity) argument, which includes one common comparable. The Board gave less weight to appellants' comparable #8 due to its dissimilar one-story ranch design. The Board gave less weight to appellant's comparables #1 and #3 because, unlike the subject, these two properties have documented damage resulting from mine subsidence and, therefore, are assessed at a lower rate to compensate for the reduced value. The Board finds the remaining eight comparables are generally similar when compared to the subject in design, age, dwelling size and most features. These most similar comparables have improvement assessments ranging from \$34,444 to \$52,230 or from \$16.68 to \$27.03. The subject property has an improvement assessment of \$52,602 or \$23.30 per square foot of living area. All nine comparables have lower overall improvement assessments when compared to the subject. Although three comparables have higher per square foot assessments than the subject, this seems logical given their smaller dwelling sizes when compared to the subject. The Board finds the appellants have demonstrated a consistent pattern of assessment inequity. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment is excessive and a reduction in the subject's improvement assessment is warranted.

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

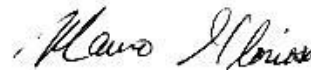
Member

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: November 19, 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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