



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

APPELLANT: Jonathan Edwards
DOCKET NO.: 18-03370.001-R-1
PARCEL NO.: 04-08.0-302-029

The parties of record before the Property Tax Appeal Board are Jonathan Edwards, the appellant; 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: \$17,869
IMPR.: \$101,465
TOTAL: \$119,334

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 2018 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 single-family dwelling of brick and vinyl exterior construction with 2,560 square feet of above ground living area. The dwelling was constructed in 1997 and is approximately 21 years old. Features of the home include a full basement with 1,792 square feet of finished area, central air conditioning, one fireplace and a three-car attached garage with 720 square feet of building area. The property has a 1.02-acre site and is located in O'Fallon, O'Fallon Township, St. Clair 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 21, 2017 for a price of \$357,500. The appellant identified the seller as Betram B. Armstrong and further indicated the parties to the transaction were not related. The appellant further indicated the property was sold through a Realtor and was advertised in the Multiple Listing Service (MLS) for approximately 15 months. To document the sale the appellant submitted a copy of a Closing

Disclosure statement, a form reporting the final loan terms and closing costs associated with the transaction. This document disclosed the sale price of the property totaling \$357,500.

The appellant also submitted a copy of an appraisal of the subject property prepared by Beverly Wydra, a certified residential real estate appraiser. The assignment type was identified as a purchase transaction and the client was identified as Delmar Financial Co. The appraiser also noted the property had been on the market for 262 days with an original list price of \$359,999. The appraiser also noted there was a purchase contract entered on October 26, 2017 with a contract price of \$357,500.

In estimating the market value of the subject property, the appraiser developed the cost approach to value and the sales comparison approach to value. Under the cost approach the appraiser arrived at an estimated value of \$380,241. In the sales comparison approach to value the appraiser used three sales improved with one-story dwellings ranging in size from 2,124 to 2,780 square feet of above ground living area. The dwellings ranged in age from 6 to 21 years old. The comparables have similar features as the subject dwelling. The sales occurred in April and June 2017 for prices ranging from \$351,000 to \$490,000 or from \$131.27 to \$176.26 per square foot of living area, land included. The appraiser adjusted the comparables for differences from the subject to arrive at adjusted prices ranging from \$354,460 to \$449,000. The appraiser arrived at an estimated value under the sales comparison approach of \$380,000.

In reconciling the two approaches to value, the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$380,000 as of November 29, 2017.

The appellant also submitted a grid analysis of four comparables with comparables #1 through #3 being the same properties as appraisal comparable sales #1 through #3. The appellant provided an additional comparable that sold in May 2008 for a price of \$376,000. As a final point the appellant indicated these four comparables had assessment increases from 2014 to 2018 ranging from \$973 to \$7,102 while the subject's assessment increased \$12,885 during this same time period.

The appellant requested the subject's assessment be reduced to \$108,248.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$121,832. The subject's assessment reflects a market value of \$364,985 when using the 2019 three-year average median level of assessment for St. Clair County of 33.38% as determined by the Illinois Department of Revenue.

The board of review submitted no evidence but did indicate that it would stipulate but did not explain what it would stipulate to.

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. National City Bank of Michigan/Illinois v.

Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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). Fair cash value is defined in the Property Tax Code as "[t]he 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 Supreme Court of Illinois has construed "fair cash value" to mean 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 between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983).

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 December 2017, within one month of the assessment date at issue, for a price of \$357,500. 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 it had been on the market for approximately 15 months. In further support of the transaction the appellant submitted a copy of the Closing Disclosure statement associated with the transaction. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property had a market value of \$357,500 as of January 1, 2018. Since market value has been determined the 2018 three-year average median level of assessment for St. Clair County of 33.38% 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 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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