



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

APPELLANT: Kenneth Wells
DOCKET NO.: 18-03544.001-R-1
PARCEL NO.: 04-08.0-305-006

The parties of record before the Property Tax Appeal Board are Kenneth Wells, 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 **no change** 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: \$17,776
IMPR.: \$102,191
TOTAL: \$119,967

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 two-story dwelling of frame and brick construction with 4,159 square feet of living area. The dwelling was built in 2006. Features of the home include an unfinished basement, central air conditioning, one fireplace and an integral garage with 511 square feet of building area. The property has a 15,017 square foot 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 May 13, 2016, for a price of \$246,919 or \$59.37 per square foot of living area, including land. The appellant identified the seller as Ocwen Loan Servicing, LLC/Deutsche Bank and further indicated the sale was a post-foreclosure transaction. The appellant further indicated the property was sold by auction through a Realtor and had been advertised in the multiple listing service for more than a year. To document the transaction the appellant submitted a copy of the Purchase and Sale Agreement,

which disclosed a purchase price of \$236,000 with a total due from the buyer of \$246,919. The appellant asserted the property was purchased from a bank that he had no relationship with. He argued the bank sold him the property for the price the bank believed the property to be worth. He contends the purchase was the result of an arm's length transaction. Based on this evidence, the appellant requested the assessment of the subject property be reduce to \$91,667.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$119,967. The subject's assessment reflects a market value of \$359,398 or \$86.41 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for St. Clair County of 33.38% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two-story dwellings of frame and brick construction ranging in size from 4,128 to 4,190 square feet of living area. The dwellings were built from 2003 to 2006. Each property has an unfinished basement, central air conditioning, one fireplace and an integral garage ranging in size from 480 to 512 square feet of building area. The comparables have sites ranging in size from 15,838 to 19,135 square feet of land area and are located in the same subdivision as the subject property. The sales occurred from April 2017 to October 2018 for prices ranging from \$359,900 to \$380,000 or from \$87.19 to \$91.35 per square foot of living area, including land. As documentation, the board of review submitted copies of the property record cards and the PTAX-203 Illinois Real Estate Transfer Declarations associated with the subject property and each comparable. The board of review requested the assessment be sustained.

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 this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record to be the four comparable sales submitted by the board of review. These comparables are similar to the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$359,900 to \$380,000 or from \$87.19 to \$91.35 per square foot of living area, including land. The subject's assessment reflects a market value of \$359,398 or \$86.41 per square foot of living area, including land, which is slightly below the range established by the comparable sales in this record. The Board gave less weight to the subject's sale due to the fact the sale did not occur as proximate in time to the assessment date at issue as did the sales provided by the board of review. Additionally, the Board finds the subject's May 2016 purchase of approximately \$236,0000 (as disclosed on the PTAX-203) or \$56.74 per square foot of living area, including land, does not reflect the market value as of the assessment date when contrasted with the purchase prices of the board of review

comparables. Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not justified.

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: January 19, 2021



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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