



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

APPELLANT: Illinois Investment Properties LLC
DOCKET NO.: 19-02154.001-R-1
PARCEL NO.: 02-18.0-313-043

The parties of record before the Property Tax Appeal Board are Illinois Investment Properties LLC, the appellant, by Thomas Benedick, Attorney at Law in O'Fallon; 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: \$600
IMPR.: \$5,400
TOTAL: \$6,000

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 2019 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 exterior construction containing 1,320 square feet of living area. The dwelling was built in 2002. The home is built on a crawl-space foundation and features central air-conditioning. The property has a 5,855-square foot site and is located in East St, Louis, East St. Louis Township, St. Clair County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on three comparable sales located from .4 of a mile to 7.5 miles from the subject property. The comparables have sites ranging in size from 6,534 to 7,275 square feet of land area and are improved with one-story or two-story dwellings of frame or masonry and frame exterior construction that range in size from 1,620 to 2,076 square feet of living area. The dwellings were built from 1940 to 2006. One comparable has an unfinished basement; two comparables each have central air-conditioning; one dwelling has a fireplace; and

each comparable has an attached or integral garage ranging in size from 264 to 576 square feet of building area. The comparables sold from November 2018 to May 2019 for prices ranging from \$15,000 to \$27,000 or from \$7.23 to \$15.73 per square foot of living area, including land. The appellant also submitted property record cards for the subject and each comparable property along with the Multiple Listing Service (MLS) sheets associated with each comparable sale. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$6,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total equalized assessment for the subject of \$9,731. The subject's equalized assessment reflects a market value of \$29,117 or \$22.06 per square foot of living area, land included, when using the 2019 three-year average median level of assessment for St. Clair County of 33.42% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted a copy of an Agreement for Deed executed on June 7, 2013 with respect to the subject property. The board of review argued that the subject's assessment is supported "... by the Agreement for Deed contract entered into on June 7, 2013 and still in affect [*sic*] today for a sum of \$56,000."

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.

Initially, the Property Tax Appeal Board gives no weight to that the board of review's argument that the Agreement for Deed is reflective of the subject's market value. The Board finds an Agreement for Deed holds little relevance to the subject's market value as of the January 1, 2019 assessment date as it is not indicative of a consummated sale. Black's Law Dictionary, "Agreement for Deed" (10th ed. 2014).

The Board finds the only evidence of market value in the record are the three comparable sales submitted by the appellant. However, each comparable has a larger lot size and a larger dwelling size when compared to the subject. Additionally, each comparable has an attached garage, dissimilar to the subject property that lacks a garage feature. The comparables also differ from the subject in design, age, and/or central air-conditioning feature. The comparables therefore require adjustments in order to make them more equivalent to the subject. The comparable sales in the record sold from November 2018 to May 2019 for prices ranging from \$15,000 to \$27,000 or from \$7.23 to \$15.73 per square foot of living area, including land. The subject's equalized assessment reflects a market value of \$29,117 or \$22.06 per square foot of living area, including land, which is above the range established by the only comparable sales in this record. After considering adjustments to the comparables for differences from the subject, the Board finds that the subject property is overvalued and, therefore, a reduction in the subject's total assessment commensurate with appellant's request 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: June 8, 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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