



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

APPELLANT: Jeffery W. & Melissa Cox
DOCKET NO.: 20-06824.001-R-1
PARCEL NO.: 11-083-004-02

The parties of record before the Property Tax Appeal Board are Jeffery W & Melissa Cox, the appellants; and the Cass 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 Cass County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$1,998
IMPR.: \$0
TOTAL: \$1,998

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Cass County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2020 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 vacant parcel of land measuring 157.5' x 177' for a total of 27,878 square feet of land area. The site has no water, sewer or other utility hook ups present. The site is located in Virginia, Virginia Township, Cass County.

As an initial matter, the Board finds that information presented by the parties regarding assessing methods employed by the Cass County Assessor is not responsive to the appellants' overvaluation argument and shall not be discussed or analyzed in this appeal.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on July 9, 2019 for a price of \$6,000. The appellants completed Section IV – Recent Sale Data disclosing the transaction was not between family members or related corporations, that the subject property was advertised in the Multiple Listing Service (MLS) and online real estate websites. The appellants submitted a

copy of the Summary of Real Estate Sale which reiterated the sale date and sale price but did not report commissions paid to any real estate agents. The appellants also submitted copies of the Quit Claim Deed associated with the sale of the subject property and a corrected PTAX-203 Real Estate Transfer Declaration which reported the subject property had been advertised for sale.

In addition to the recent sale information, the appellants submitted sales of two vacant lots, one of which sold twice. The comparables are located either 3 or 4 blocks from the subject property and have either 11,610 or 12,000 square feet of land area. Each of the comparables are reported to have water and sewer hook-ups. Comparable #1 sold in March 2016 for \$7,000 or \$0.60 per square foot of land area. Comparable #2 sold in December 2015 for \$650 for \$0.054 per square foot of land area and again in April 2020 for \$1,500 or \$0.125 per square foot of land area. The appellants' grid included comments indicating comparable #1 was purchased for use as a garden while comparable #2's April 2020 sale was to an adjacent landowner.

The appellants evidence included copies of two letters to the Cass County Board of Review from Realtor Mike Finn, the appellants' agent, one dated April 2020 and one dated July 2021. Mr. Finn reported the appellants are adjacent property owners of the subject lot and contended it is "normal" for adjacent property owners to purchase vacant lots in the subject's market. The appellants also submitted copies of three Exclusive Right to Sell Listing Agreements, which cover the period of January 2018 to April 2019, for the subject lot each with a list price of \$15,000 for the subject property. In Mr. Finn's July 2021 letter, he stated that there were no other offers made on the subject. Based on this evidence, the appellants requested the subject's assessment be reduced 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 \$4,590 which reflects a market value of \$13,784 or \$0.49 per square foot of land area, when using the 2020 three-year average median level of assessment for Cass County of 33.30% as determined by the Illinois Department of Revenue.

The board of review critiqued the appellants' comparables arguing none of the comparables submitted by the appellants had been advertised for sale and argued appellant comparable #2 was not known to have utility hook-ups as reported in the appellants' grid.

In support of its contention of the correct assessment the board of review submitted information on six comparables located from 0.50 of a mile to 2.40 miles from the subject property. The comparables have sites that range in size from 7,200 to 67,518 square feet of land area. No detail regarding the presence of utilities for its comparables was reported. The properties sold from May 2013 to December 2020 for prices ranging from \$5,000 to \$135,000 or from \$0.70 to \$2.08 per square foot of land area.

The Cass County Board of Review also submitted aerial plats and PTAX-203 Real Estate Transfer Declarations for each of its six comparable sales. Written comments from the board of review disclosed that its comparables #1 and #2 were advertised sales, comparables #3, #4 and #5 were not advertised sales, and that comparable #6 was farmland sold for the purpose of constructing a *Dollar General* commercial retail property.

The board of review also submitted comments questioning the arm's length nature of the July 2019 sale of the subject property. To support this claim, the board of review submitted a copy of the originally filed PTAX-203 which indicated the property was transferred via an Executor's Quit Claim Deed and had been advertised for sale, aerial photographs of the subject site, contending that no for sale sign is visible and claimed that a *Google* search of the subject's listing produced no results. The board of review further contended that, based on probate court records, it appeared the seller was under duress to liquidate the remaining asset of the estate, which the subject was part of, and opined the appellants simply offered to purchase the subject property at a reduced price which the sellers accepted in order to "wrap up" the estate. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellants critiqued the board of review's comparables arguing the sale of comparable #1 took place after the sale of the subject, that the property is located outside of the city limits and that it was purchased by a friend on behalf of the adjacent landowner. Mr. Finn indicated he had firsthand knowledge of this transaction as the sale was handled through his real estate firm. With respect to board of review comparable #2, Mr. Finn contended the property was purchased by an adjacent landowner after being on the market for over 30 years. Comparables #3 and #4 were also sold to adjacent landowners and comparable #5 is located in a subdivision which is not comparable to the subject's site. As to board of review comparable #6, Mr. Finn stated that a commercial lot is not comparable to a residential lot. Finally, Mr. Finn argued that, in the subject's market, most vacant land is ultimately purchased by adjacent landowners frequently with prices of these parcels essentially reflecting what the adjacent landowner is willing to pay.

Conclusion of Law

The appellants contend 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 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 July 2019 for a price of \$6,000. The appellants provided evidence demonstrating the sale had elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and that the property had been under an Exclusive Right to Sell Listing Agreement from January 2018 to April 2019 where no other offers were made. In further support of the transaction the appellants submitted a copy of the Summary Real Estate Sale and the PTAX-203 Real Estate Transfer Declaration which reported the subject had been advertised for sale.

The board of review's contention that the sale of the subject was not an arm's length transaction based on the Quit Claim Deed instrument or lack of a for sale sign does not overcome the recent sale price of the subject or the listing evidence submitted by the appellant where no other offers were made. The Board finds the purchase price is below the market value reflected by the assessment. Based on this record the Board finds the subject property had a market value of

\$6,000 as of January 1, 2020. Since market value has been determined the 2019 three-year average median level of assessment for Cass County of 33.30% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

Furthermore, the two best comparable sales in the record, appellants' comparable #1 and board of review comparable #1, both of which are reported to have been advertised, sold in April and December 2020 for prices of \$1,500 and \$12,000 or for \$0.13 and \$0.83 per square foot of land area, respectively. The subject's sale price of \$6,000 or \$0.22 per square foot of land area is bracketed by the two best comparable land sales in the record on an overall and per square foot basis. The Illinois Supreme Court has held that 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)

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 22, 2022



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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