



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

APPELLANT: Kent Anthony
DOCKET NO.: 20-07166.001-R-1
PARCEL NO.: 17-20-104-008

The parties of record before the Property Tax Appeal Board are Kent Anthony, the appellant; and the LaSalle 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 **LaSalle** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,286
IMPR.: \$14,334
TOTAL: \$16,620

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the LaSalle 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 1.5-story dwelling of stucco exterior construction with 1,321 square feet of living area.¹ The dwelling was constructed in 1885. Features of the home include a basement, central air conditioning, and a 2-car garage. The property has an approximately 9,148 square foot site and is located in Peru, Peru Township, LaSalle 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 April 13, 2019 for a price of \$50,000. The appellant completed Section IV – Recent Sale Data of the appeal petition disclosing that the seller was Dustin Strait, the sale was not between related persons, the subject property was sold through realtor Donald S. Wede of the firm Heartland Funding, Inc. and was

¹ The parties differ regarding the subject's dwelling size. The Board finds the best evidence of the subject's dwelling size is found in the subject's property record card presented by the board of review, which contains a sketch and measurements and was not refuted by the appellant in written rebuttal.

advertised for sale in the local newspaper, and the sale was not due to foreclosure or by contract for deed.

In support of the transaction, the appellant presented a settlement statement, which discloses an assignment fee of \$10,829 was paid to Heartland Funding, Inc. by the appellant as buyer; a Real Estate Transfer Declaration indicating that subject property was advertised for sale, was not a sale between related persons, the purchase price did not include any personal property; and a document entitled "Additional Information" which lists various items of personal property, including appliances, electronics, tools, lawn mowers, window treatments, and furniture, which are described with a total value of \$5,580.

The appellant also presented an Agreement between Heartland Funding, Inc. as buyer and Strait as seller dated March 11, 2019, pursuant to which buyer agreed to purchase the subject property from seller for a price of \$50,000, and an Assignment/Sales Agreement between Heartland Funding, Inc. as seller/assignor and the appellant as buyer/assignee dated March 29, 2019, pursuant to which seller agreed for consideration of \$62,000 to assign its rights in a purchase agreement between Strait and Heartland Funding, Inc. or to convey the subject property to the appellant. The assignment provided that the appellant agreed to accept all personal property left at the subject property after the purchase.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$13,339 which would reflect a market value of \$40,021 or \$30.30 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$16,667. The subject's assessment reflects a market value of \$50,141 or \$37.96 per square foot of living area, land included, when using the 2020 three year average median level of assessment for LaSalle County of 33.24% as determined by the Illinois Department of Revenue.

The board of review submitted a brief contending that Heartland Funding, Inc. is not a realty firm or a realtor, together with information regarding Heartland Funding, Inc.'s business as a home buyer. The board of review did not dispute the purchase price of \$50,000 but contended that the Real Estate Transfer Declaration did not list any personal property as being included in the purchase price.

Based on this evidence the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant explained that Wede advertised the subject property for sale in a local newspaper and there was no inquiry into whether Wede was a realtor. The appellant further stated that prior to closing the appellant did not know what items of personal property would be left by the seller and could not value those items until after the closing, which is represented in the document entitled "Additional Information" presented to the board of review.

The appellant also presented information on two comparable properties located in Peru; however, inasmuch as new evidence, such as newly discovered comparable properties, may not

be presented in rebuttal, the Board shall not further consider these additional comparables. (86 Ill. Admin. Code § 1910.66(c)).

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.

The Board finds the only evidence of market value to be the purchase of the subject property in April 2019 for a price of \$50,000. 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 and the subject property had been advertised on the open market in a local newspaper. The appellant submitted a settlement statement and Real Estate Transfer Declaration in support of this transaction. The board of review did not refute the arm's length nature of the transaction or refute the contention that the purchase price was reflective of market value.

The appellant submitted an inventory of personal property items to be deducted from the purchase price. However, the appellant stated in written rebuttal that no specific items were to be purchased with the subject property, but that the appellant would accept the personal property that remained after the closing, which contention is supported by the language of the Assignment/Sales Agreement presented by the appellant. Furthermore, the Real Estate Transfer Declaration submitted by the parties did not indicate that any personal property was included in the purchase price. Consequently, the Board finds that no personal property was included in the purchase price and no deduction for personal property from the purchase price should be made.

The subject's assessment reflects a market value of \$50,141 or \$37.96 per square foot of living area, including land, which is slightly above the purchase price. Based on this record the Board finds the subject property had a market value of \$50,000 as of January 1, 2020. Since market value has been determined the 2020 three year average median level of assessment for LaSalle County of 33.24% 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:

December 20, 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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