



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

APPELLANT: Robert Stauder
DOCKET NO.: 22-03106.001-R-1
PARCEL NO.: 19-08.0-135-014

The parties of record before the Property Tax Appeal Board are Robert Stauder, 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: \$1,085
IMPR.: \$582
TOTAL: \$1,667

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 2022 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 with 884 square feet of living area.¹ The dwelling was constructed in 1927. Features of the home include a concrete slab foundation and one full bathroom. The property has a 7,100 square foot site and is located in Fayetteville, Fayetteville Township, St. Clair County.

The appellant contends overvaluation as the basis of the appeal. In partial support of this argument, the appellant reported in Section IV of the Residential Appeal petition that the subject property was purchased in October 2018 for a price of \$5,000. The appellant reported that the seller was U.S. Bank National Association and the property was sold by a realtor after being on the market for 2 years with the Multiple Listing Service. The property further was reportedly sold due to a foreclosure action.

¹ Subject descriptive data is drawn from Section III of the appellant's petition as the board of review was defaulted and failed to submit evidence concerning the property.

Additionally, the appellant submitted an appraisal prepared by Thomas Haida estimating the subject property had a market value of \$5,000 as of October 17, 2020. The appraisal was prepared using fee simple property rights for the property in "as is" condition with recommendations for foundation, roof, termite, lead based paint, electrical and plumbing inspections. The appraiser noted the sale was an REO transaction. As part of the report, the appraiser recommended that the property be torn down (Appraisal, page 3).

The appellant also submitted the first page of the Property Tax Appeal Board final decision for the 2020 tax year, where the assessment was reduced to \$1,667 which was stipulated by the parties in Docket No. 20-00036.001-R-1.

Based on this evidence, the appellant requested the subject's assessment be reduced to 1,667.

The appellant also submitted a copy of the final decision of the board of review disclosing the subject property had a total equalized assessment of \$3,647 reflecting a market value of \$10,942 or \$12.38 per square foot of living area, including land, when using the statutory level of assessment of 33.33%.²

The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence in support of its assessed valuation of the subject property and was found to be in default by a letter issued on January 4, 2024.

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 in the record to be the sale of the subject property as of October 29, 2018 and the appraisal submitted by the appellant. The subject's assessment reflects a market value of \$10,942 or \$12.38 per square foot of living area, including land, which is above the October 2018 purchase price and the appraised value presented by the appellant of \$5,000 as of October 17, 2020.

The board of review did not submit any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a) & §1910.69(a).

² Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the drafting of this decision, the Department of Revenue has yet to publish figures for tax year 2022.

The Property Tax Appeal Board has examined the evidence submitted by the appellant and finds that a reduction in the assessed valuation of the subject property commensurate with the 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:

April 16, 2024



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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