



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

APPELLANT: Helen, Jerry, Jim & Tim Clay
DOCKET NO.: 11-04386.001-F-1
PARCEL NO.: 14-09-25-200-003

The parties of record before the Property Tax Appeal Board are Helen, Jerry, Jim & Tim Clay, the appellants; and the Stephenson 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 **Stephenson** County Board of Review is warranted. The correct assessed valuation of the property is:

F/Land:	\$12,297
Homesite:	\$4,090
Residence:	\$14,200
Outbuildings:	\$37,851
TOTAL:	\$68,438

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an improved farmland parcel of 79.52 acres. The subject property is improved with a single family residence and 17 outbuildings. The subject property is located in rural Dakota Township, Stephenson County.

Jerry and Tim Clay appeared before the Property Tax Appeal Board claiming a contention of law regarding the assessment of farm buildings as the basis of the appeal.^{1 2} The appellants did not dispute the subject's homesite, residence or farmland assessments but contend that the improvements identified on the property record card as buildings #1 through #4, #6, #8 and #12 through #14, a dairy barn, a milk house, three hog buildings, two lean-to's and two grain bins of various sizes made no contribution to the operation of the farm, as they were vacant or used for non-farm storage and have not been used for livestock farming for many years. In support of the farm building contention, the appellants submitted a letter, photographs and a calculation grid that displays current market value, current price per square foot, building size, requested value,

¹ The appellants' appeal form marked farmland assessment classification and productivity as the basis of the appeal. The appellants listed building productivity issue as their reason for appeal. However, the Board will address the contention of law claim detailed in the appellant's evidence.

² A consolidated hearing was held with Docket Nos. 11-04383.001-F-1 and 11-04384.001-F-1. Individual decisions will be rendered for each appeal based on the applicable evidence presented.

requested price per square foot and reason for reduction. The appellants testified that buildings #5, #7, #9, #10 and #15 through #17 are in use or limited use. The appellants testified that building #11 is a grain bin from 1977 and has been moved to a new location and is designated as building #17. The appellants testified that buildings #15 and #16 are new grain bins. The appellants testified that building #15 has a 30-foot diameter and not a 33-foot diameter as currently assessed along with building #16 having a 42-foot diameter and not a 60-foot diameter as currently assessed. The appellants submitted a copy of a "quote and estimate" for both grain bins of approximately \$26,725 and \$38,230, respectively.

Under cross examination, the appellants testified that the quote and estimate for the grain bins is the amount that they paid to Lena Sales, Inc. and B & R Grain Handling, LLC for the grain bins. The appellants stated that they did not have page 2 from Lena Sales Inc. even though the quote states page 1 of 2. The appellants testified that the grain bin known as building #17 was placed on a new foundation.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment \$91,177 was disclosed. Representing the board of review was the Chief County Assessment Officer and Clerk of the Board of Review, Ron Kane. In support of the subject's assessment the board of review submitted a property record card with calculations of the outbuildings, photographs and aerial maps of the subject property. Kane testified that barn buildings #1, #2, #3 and #5 are valued based on their salvage value and building #4 is a silo which is depreciated at 99% because silos are obsolete. Kane testified that a letter dated December 15, 2010 addressed to Dakota Township and to Stephenson County from the appellants stated, "Concerning parcel #14-09-25-200-003, I do not give you permission to come onto this property in Dakota Township." Based on this letter neither the assessor nor any county assessment officials made an inspection of the subject property. Kane testified that all farm buildings in Dakota Township had not been reassessed since 1979. Kane explained how farm building tables were calculated using unimproved and improved sales.

Under cross-examination, Kane testified that the farm buildings are not assessed based on their economic contribution to the farm. Kane testified that buildings could still have a contribution to the farm based on income tax purposes.

At the hearing the Administrative Law Judge ordered the board of review to recalculate the value as reflected on the subject's property record card for building #15 a grain bin from a 33' diameter to a 30' diameter, building #16 a grain bin from a 60' diameter to a 42' diameter and #17 a grain bin to remove the effective age of 2010 for a 1977 grain bin on a new foundation. Subsequent to the hearing, the Stephenson County Chief County Assessment Officer submitted the revised calculations.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds a reduction in the assessment is appropriate.

The Board finds the present use of land and buildings is the focus in issues involving farmland classification and assessment. Santa Fe Land Improvement Co. v. Illinois Property Tax Appeal

Board, 113 Ill.App.3d at 872(3rd Dist. 1983). The Board finds Section 1-60 of the Property Tax Code states in relevant part

Improvements, other than farm dwellings, shall be assessed as a part of the farm and in addition to the farm dwellings when such buildings contribute in whole or in part to the operation of the farm. (35 ILCS 200/1-60)

Furthermore, Section 10-140 of the Property Tax Code provides:

Other improvements. Improvements other than the dwelling, appurtenant structures and site, including, but not limited to, roadside stands and buildings used for storing and protecting farm machinery and equipment, for housing livestock or poultry, or for storing, feed, grain or any substance that contributes to or is a product of the farm, shall have an equalized assessed value of 33 1/3% of their value, based upon the current use of those buildings and their contribution to the productivity of the farm. (35 ILCS 200/10-140)

Where farm structures do not contribute to the productivity of the farm, then the buildings would add nothing to the value of the farm. O'Connor v. A&P Enterprises, 81 Ill.2d 260, 267-68 (1980); see also Peacock v. Property Tax Appeal Board, 399 Ill.App.3d 1060, 1071-1073 (4th Dist. 2003).

The Board further finds the evidence and testimony in this record indicate the subject's dairy barn, a milk house, three hog buildings, two lean-to's and two grain bins have been vacant or not used for farming purposes for years prior to the assessment year at issue in this appeal and made no contribution to the productivity of the subject's grain farming operation. The unrefuted testimony of the appellants was that nine of the buildings have been vacant for years or used for non-farm storage prior to the subject's January 1, 2011 assessment date and that they made no contribution to the ongoing grain farming operation on the subject parcel. The Property Tax Appeal Board finds that notwithstanding the board of review's policy of assigning a salvage value to all farm buildings regardless of current use, the subject farm buildings made no contribution in whole or in part to the farming operation and therefore, have no contributory value. For this reason, buildings #1 through #4, #6, #8 and #12 through #14 shall be assessed at \$0 for the 2011 assessment year. Furthermore, the Board finds that incorrect diameters for the new grain bins, buildings #15 and #16, were used in the calculation of their 2011 assessment. The Board finds a recalculation of the assessments for buildings #15 and #16 with the correct diameters is appropriate along with the correction of the effective age for building #17. The Board finds that the testimony provided by the appellants' that buildings #5, #7, #9, #10 were properly assessed as these buildings were used or had a limited use in the farming operation. In conclusion a reduction to the farm building assessment is appropriate consistent with the findings herein and the revised calculations provided by the Stephenson County Chief County Assessment Officer.

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.



Chairman



Member



Acting Member



Member



Acting 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 23, 2017



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 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 the subsequent year 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.

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.