



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

APPELLANT: Nikolic Dragan
DOCKET NO.: 14-02703.001-R-1
PARCEL NO.: 19-2-08-17-12-201-023

The parties of record before the Property Tax Appeal Board are Nikolic Dragan, the appellant; and the Madison County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Madison** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,950
IMPR.: \$0
TOTAL: \$2,950

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Madison County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 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 with 22,402 square feet of land area. The property is located in East Alton, Wood River Township, Madison 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 October 31, 2014 for a price of \$601. The appellant indicated the seller was Bid4Assets and the property was sold through an auction. The appellant also submitted information on four comparable sales that sold from April 2014 to May 2014 for prices ranging from \$5,500 to \$10,500. Based on this evidence, the appellant requested the subject's assessment be reduced to \$600.

The appellant submitted a copy of the Notice of Final Decision on Assessed Valuation by Board of Review disclosing the board of review issued a township equalization factor of .9858 reducing the subject's assessment from \$2,990 to \$2,950.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject. The subject property has a total assessment of \$2,950 which reflects a market value of approximately \$8,850 or \$.395 per square foot of land area.

In support of the assessment the board of review submitted information on the four comparable sales used by the appellant. The board of review disclosed the comparables were vacant sites that ranged in size from 1,000 to 10,000 square feet of land area. The comparables sold in April 2014 and May 2014 for prices ranging from \$5,500 to \$10,500 or from \$.60 to \$2.18 per square foot of land area. The board of review also indicated the appellant filed the appeal from the application of a negative equalization factor and contends the Property Tax Appeal Board has no authority to further reduce the subject's assessment.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value to be the comparable sales submitted by the parties. The four comparable sales sold in April 2014 and May 2014 for prices ranging from \$5,500 to \$10,500 or from \$.60 to \$2.18 per square foot of land area. The subject's assessment reflects a market value of \$8,850 or \$.395 per square foot of land area, which is below the range established by the comparables on a square foot basis. The Board finds these sales indicate the subject property is not overvalued.

The Board gave little weight to the sale of the subject property as the appellant did not establish that the sale had the elements of an arm's length transaction.

Furthermore, a review of the file disclosed the appeal was timely filed after receipt of assessment notice dated March 6, 2015 issued by the Madison County Board of Review. The assessment notice disclosed the assessment on the property was reduced by the application of a township equalization factor of .9858.

Due to the fact the appeal was filed after notification of a township equalization factor or multiplier, the amount of relief that the Property Tax Appeal Board may grant is limited. Section 1910.60(a) of the rules of the Property Tax Appeal Board states in part:

If the taxpayer or owner of property files a petition within 30 days after the postmark date of the written notice of the application of final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the **increase** (emphasis added) caused by the application of the township equalization factor. 86 Ill.Admin.Code §1910.60(a).

Additionally, section 16-180 of the Property Tax Code (35 ILCS 200/16-180) provides in pertinent part:

Where no complaint has been made to the board of review of the county where the property is located and the appeal is based solely on the effect of an equalization factor assigned to all property or to a class of property by the board of review, the Property Tax Appeal Board may not grant a **reduction in the assessment greater than the amount that was added** (emphasis added) as the result of the equalization factor.

These provisions mean that where a taxpayer files an appeal directly to the Property Tax Appeal Board after notice of the application of an equalization factor, the Board cannot grant an assessment reduction greater than the amount of increase caused by the equalization factor. Villa Retirement Apartments, Inc. v. Property Tax Appeal Board, 302 Ill.App.3d 745, 753 (4th Dist. 1999).

Because the appeal was filed after the application of a "negative" township equalization factor or multiplier reducing the assessment, the Property Tax Appeal Board finds it has no authority to grant a further reduction in the assessment of the subject property and no change in the assessment is allowed.

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



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: September 23, 2016



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.