



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

APPELLANT: Bridget and Bryan Jones
DOCKET NO.: 14-03379.001-F-1
PARCEL NO.: 23-07.0-100-006

The parties of record before the Property Tax Appeal Board are Bridget and Bryan Jones, the appellants, and the Sangamon County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the **Sangamon** County Board of Review is warranted. The correct assessed valuation of the property is:

F/Land:	\$351
Homesite:	\$0
Residence:	\$0
Outbuildings:	\$0
TOTAL:	\$351

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Sangamon 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 1.87 acre parcel located in Rochester Township, Sangamon County.

The appellant, Bryan Jones, appeared before the Property Tax Appeal Board raising a contention of law based on a classification issue contending the subject property should receive a farmland assessment because the property had been planted in hardwood trees for future harvesting.

At the hearing the appellant testified the subject property and an adjacent parcel, on which his home is located, was purchased

for \$120,000 in June 2011 from Jennifer Dahl and Roger Powers. The appellant testified that the parties were not related and the property was listed on the open market with a Realtor. He testified that the property had been listed in February of that year with an asking price of \$130,000 for the total property. The appellant testified that neither party was under any compulsion to buy or sell the property.

The appellant testified that for the previous 15 years, prior to the appellants' ownership and during their ownership, the property has been managed as a hardwood timber plantation. Mr. Jones explained that the subject property had been planted in straight rows of hardwood timber interspersed with softwoods. The appellant explained that softwood trees are planted because they grow faster causing the hardwood trees to grow straight. Over time the softwood trees are thinned leaving the more desirable hardwood species. He testified there were approximately 10 rows of trees extending the length of the property of approximately 200 yards. The hardwood trees primarily include black walnut.

The appellant testified that the trees were planted by a previous owner, William Holtcamp. The appellant testified that Holtcamp originally used the subject property for a Christmas tree farm but in 2000 converted the property to hardwood timber. The subject property has remained in hardwood timber since that time. Using Board of Review Exhibit #1 the appellant identified the location of the subject property and his home.

The appellant testified that there has not been much need to care for the subject property since his purchase. He testified he spoke with Mr. Holtcamp last year who indicated that the property would need some thinning in the next couple of years. The appellant testified they plan on having the property looked at in a couple of years to determine what needs to come down. The appellant testified that Mr. Holtcamp indicated he would assist in the thinning and thought this might occur in 2017 or 2018.

The appellant testified that there is not much active maintenance on the property and this is an idle period between thinning. The appellant testified that he has performed some pruning of the trees over the last two years on some of the low limbs of the walnut trees. He pruned between 10 and 15 trees in 2013 and 2014 and also removed some sprouts. He has incurred no costs associated with the subject property other than property taxes and the cost of pesticide to spray on the small trees, which he described as negligible. He estimated there were approximately 100 trees per row and somewhere between 900 and 1000 trees on the site. Approximately one half of the trees are black walnut and approximately 10% of the trees were oak. The softwood trees include the cypress trees and birch trees, which comprise approximately 40% of the trees. He testified the cypress trees were planted on the perimeter to prevent light from coming in the sides.

The appellant testified that he has not harvested any of the timber yet. He thought the timeline to harvest some timber would be in approximately 20 years, when the trees are approximately 30 years old. Harvesting also depends on market conditions. The witness testified, when planted, the black walnut trees could have returned approximately \$100,000 per acre and were well suited for small acreage. Currently the black walnut trees could return \$20,000 to \$30,000 per acre.

He explained the trees on the site were planted in straight rows and demonstrate this is a tree plantation. The appellant provided aerial photographs of the subject property and photographs of the subject property depicting the rows of trees. He noted the trees were not randomly spaced but were uniformly planted.

The record also included an affidavit from Bill Holtcamp explaining that the subject property had been planted in Christmas trees in 1983 but was converted to a hardwood plantation in 2000. The affidavit explained that the subject parcel was sold to Jennifer Dahl and subsequently to the appellants and during this period had continued to be used in hardwood production. The documentation provided by the appellants also included a farmland assessment calculation for the subject property for 2014 of \$351. The assessment history of the subject property submitted by the appellants indicated the subject property had received an unimproved farmland assessment from 1997 through 2013.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$2,167, which reflects a market value of approximately \$6,501. Appearing before the Property Tax Appeal Board on behalf of the board of review was Byron Deaner, Sangamon County Supervisor of Assessments.

Mr. Deaner acknowledged that the subject property lost the farmland assessment in 2014. In support of the assessment Mr. Deaner read the assessor's recommendation stating that the parcel in past years was part of a larger farm and was split in 2013-2014. The assessor also stated that the remainder of the parcels in the area are all classified as non-farm and there was no evidence from the owner of production or sales and the area was not designated as a tree farm. According to the assessor's statement, the subject's assessment was consistent other parts of the broken up farm to the east of the subject property. The assessor also noted that in the past the subject was used as a Christmas tree farm but a tree farm for hardwood production is not common for this size of parcel. The assessor also stated that there was no indication of harvesting or indication of harvesting, which makes it difficult for an assessor to differentiate from idle ground with trees versus a tree farm for production. The assessor noted the subject property is considered one parcel with a residence on an adjacent parcel but

they cannot be combined due to the parcels being in different townships.

The board of review also submitted page 98 from the 2000 Components and Cost Schedules of the Illinois Real Property Appraisal Manual entitled "Rural Section Farmland Implementation Guidelines" which stated in part:

Distinguishing between idle land (that is not farmland) and land that may qualify under the farm definition as "forestry" may be difficult. However, to qualify as forestry, a wooded tract must be systematically managed for the production of timber.

The guidelines also provided that:

If idle land is not part of a farm or not qualified for a special assessment (i.e., open space), treat it as nonfarm and assess it at market value according to its highest and best use.

Mr. Deaner indicated that the board of review did not believe the subject property was being actively managed as a tree farm.

Conclusion of Law

The appellant contends the subject property should be classified and assessed as farmland due to the use of the land for hardwood production.

Section 1-60 of the Property Tax Code (35 ILCS 200/1-60) defines "farm" as follows:

Farm. When used in connection with valuing land and buildings for an agricultural use, any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. The dwellings and parcels of property on which farm dwellings are immediately situated shall be assessed as a part of the farm. 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. For purposes of this Code, "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or

fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming.

Furthermore, section 10-110 of the Property Tax Code (35 ILCS 200/10-110) provides in part:

Farmland. The equalized assessed value of a farm, as defined in Section 1-60 and if used as a farm for the 2 preceding years, except tracts subject to assessment under Section 10-145, shall be determined as described in Sections 10-115 through 10-140. . . .

Section 10-110 of the Property Tax Code requires that in order to qualify for a farmland assessment the land needs to be used as a farm for the two preceding years. Furthermore, the present use of the land determines whether it is entitled to a farmland classification for assessment purposes. Bond County Board of Review v. Property Tax Appeal Board, 343 Ill.App.3d 289, 292 ((5th Dist. 2003). Additionally, a parcel of property may properly be classified as partially farmland, provided those portions of property so classified are used solely for the growing and harvesting of crops. Kankakee County Board of Review v. Property Tax Appeal Board, 305 Ill. App.3d 799, 802 (3rd Dist. 1999).

The un-refuted testimony in this record was presented by the appellant that the subject property had been planted and maintain in hardwood production since 2000 with the planting of black walnut and oak trees (hardwoods) that were interspersed with softwood trees to facility the growth of the hardwood trees. The photographs of the subject property depict that the trees were systematically planted in rows and relatively uniformly spaced. The testimony provided by the appellant and the documents in the record further indicate that the trees were thinned and pruned from time to time to maintain the hardwood trees. The testimony provided by the appellant further indicates that there is relatively little maintenance other than periodic thinning and that harvesting of the trees will not take place until the trees are approximately 30 years old. The Board finds the use of the property for the growing of trees for hardwood production is an agricultural use within the "farm" definition as set forth in section 1-60 of the Property Tax Code.

Based on this record the Board finds that a reduction in the subject's assessment to reflect the calculated farmland assessment for 2014 of \$351 as contained in this record is appropriate.

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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

Member

DISSENTING:

C E R T I F I C A T I O N

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 22, 2016

A. Heston

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.