



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

APPELLANT: Roger H. Cox/Deer Ridge Farm, Inc.
DOCKET NO.: 15-01744.001-F-1
PARCEL NO.: 25-27-24-200-007

The parties of record before the Property Tax Appeal Board are Roger H. Cox/Deer Ridge Farm, Inc., the appellant; and the Fulton 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 **Fulton** County Board of Review is warranted. The correct assessed valuation of the property is:

F/Land:	\$10,073
Homesite:	\$ 0
Residence:	\$ 0
Outbuildings:	\$ 0
TOTAL:	\$10,073

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Fulton County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 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 108.49 acres of rural wooded land. The subject property is certified and receives a preferential farmland assessment pursuant to sections 10-400, 10-415 and 10-420 of the Property Tax Code. (35 ILCS 200/10-400, 10-415 and 10-420). The subject property is located in Woodland Township, Fulton County, Illinois.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal.¹ More specifically, the appellant argued that the assessment placed on the subject property under the Conservation Stewardship Law was excessive. In support of this argument, the appellant cited two comparable sales. In a narrative letter, the appellant indicated

¹ The appellant initially argued the subject property's farmland classification and assessment was incorrect. However, during the hearing the appellant acknowledged no farming activity takes place on the subject property.

that as of April 2016, an 80 acre tract of land, which contained 26 acres of tillable ground, sold for \$1,960 per acre or a sale price of approximately \$156,800. The appellant did not submit any corroborating evidence detailing the sale price or the terms of the transaction. The appellant also submitted a Real Estate Transfer Declaration regarding an additional land sale. This property consists of 130.34 acres of unimproved land located in Fulton County. It sold in October 2014 for \$242,000 or \$1,857 per acre of land area. Based on this evidence, the appellant requested a reduction in the subject's land assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the land assessment for the subject property of \$18,250. The subject's land assessment reflects a market value of \$365,000 or \$3,364 per acre of land area when applying the 5% level of assessment as provided by the Sections 10-400 and 10-420 of the Property Tax Code for the special valuation of managed land.² (35 ILCS 200/10-400 and 10-420). In support of its contention of the correct assessment, the board of review offered testimony regarding the methodology employed to calculate preferential land assessments as provided by Sections 10-400 and 10-420 of the Property Tax Code. (35 ILCS 200/10-400 and 10-420). Richard Regnier, Clerk for the Fulton County Board of Review, testified sales of farmland and woodland were reviewed. He testified these types of properties sold for prices ranging from \$1,815 to \$5,100 per acre of land area, with an average value of \$3,000 per acre. Thus, a \$3,000 per acre value was uniformly applied to all property certified under the Conservation Stewardship Plan. The board of review did not submit any land sales in support of this testimony. Based on this evidence, the board of review requested confirmation of the subject's land 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 met this burden of proof and a reduction in the subject's land assessment is warranted.

Section 10-400(a) of the Property Tax Code provides:

In all counties, except for Cook County, beginning with assessments made in 2008 and thereafter, managed land for which an application has been approved under Section 10-415 that contains 5 or more contiguous acres is valued at 5% of its fair cash value. (35 ILCS 200/10-400(a)).

Section 10-415(a)(b) of the Property Tax Code provides:

A taxpayer requesting special valuation of unimproved land under this Division must first submit a conservation management plan for that land to the Department of Natural Resources for review. The Department of Natural Resources shall

² The Board of review submitted a copy of the subject's Conservation Stewardship Plan Certification from the Illinois Department of Natural Resources that was dated December 3, 2013.

review each submitted plan for compliance with the standards and criteria set forth in its rules. (35 ILCS 200/10-415(a)).

Upon approval, the Department of Natural Resources shall issue to the taxpayer a written declaration that the land is subject to a conservation management plan approved by the Department of Natural Resources. (35 ILCS 200/10-415(b)).

Section 10-420(a) of the Property Tax Code provides:

In all counties, except for Cook County, beginning with assessments made in 2008 and thereafter, managed land for which an application has been approved under Section 10-415 that contains 5 or more contiguous acres is valued at 5% of its fair cash value. (35 ILCS 200/10-420(a)).

The Board finds the record shows the subject property was certified under the Conservation Stewardship Law as of December 3, 2013. The Board finds the subject property is qualified to receive a preferential farmland assessment of 5% of its fair cash value as provided by section 10-400(a) and 10-420(a) of the Property Tax Code. (35 ILCS 200/10-400(a) and 35 ILCS 200/10-420(a)). The underlying question before this Board is determining the subject's fair cash value in order to apply the 5% level of assessment. The Board finds the only evidence of market contained in this record was the one comparable sale submitted by the appellant. This property consists of 130.34 acres of unimproved land that sold in October 2014 for \$242,000 or \$1,857 per acre of land area. The subject's assessment reflects a market value of \$365,000 or \$3,364 per acre of area, which is greater than the only comparable sale contained in the record. Therefore, a reduction in the assessment of the subject property is warranted.

The Board gave little weight to the testimony of Richard Regnier, Clerk for the Fulton County Board of Review. Regnier testified sales of farmland and woodland were reviewed. These properties purportedly sold for prices ranging from \$1,815 to \$5,100 per acre of land area, with an average sale price of \$3,000 per acre. Regnier testified a \$3,000 per acre value was uniformly applied to all property certified under the Conservation Stewardship Law. The Board finds the board of review did not submit any land sales in support of this testimony. Moreover, the subject's estimated market value as reflected by its assessment of \$3,364 per acre is greater than the \$3,000 per acre market value that was purportedly uniformly applied to all property certified under the Conservation Stewardship Law. Based on this analysis, the Board finds a reduction in the subject's assessment is justified.

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(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



Acting 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: February 20, 2018



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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APPELLANT

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