



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

APPELLANT: John Maxwell
DOCKET NO.: 16-06880.001-R-1
PARCEL NO.: 29-09.0-376-002

The parties of record before the Property Tax Appeal Board are John Maxwell, the appellant, and the Sangamon 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 **Sangamon** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$10,144
IMPR.: \$87,359
TOTAL: \$97,503

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 2016 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 single-family dwelling of frame and brick exterior construction with 2,245 square feet of living area. The dwelling was constructed in 2003. Features of the home include a partial basement, central air conditioning, a fireplace and an attached three-car garage. The property has a .34 of an acre site and is located in Chatham, Ball Township, Sangamon County.

The appellant contends both lack of assessment uniformity and that the market value of the subject property is not accurately reflected in its assessed valuation. In support of these arguments, the appellant submitted a grid analysis with assessment data and sales of three comparable properties located in close proximity to the subject. The comparables consist of vinyl and brick dwellings that were 14 to 16 years old. The homes range in size from 2,132 to 2,300 square feet of living area. Features include basements, two of which have finished areas. Each home has central air conditioning, a fireplace and a garage ranging in size from two-car to

3.5-car. The comparables have improvement assessments ranging from \$80,318 to \$89,414 or from \$37.14 to \$41.61 per square foot of above-grade living area. The comparables also reportedly sold from October 2012 to June 2014 for prices ranging from \$262,250 to \$290,000 or from \$114.02 to \$134.95 per square foot of above-grade living area, including land. The appellant also submitted a copy of the final decision issued by the Sangamon County Board of Review establishing a total equalized assessment for the subject of \$100,467, which reflects a market value of approximately \$301,401 as set forth on the notice.

The evidence further revealed that the appellant filed the appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor of 1.0304 increasing the subject's assessment from \$97,503 to \$100,467. Based on this evidence, the appellant requested the subject's total assessment be reduced to approximately \$93,052, the pre-equalized assessment of a comparable located at 8761 Sweetbriar Lane, which would reflect a market value of \$279,156.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property. Thus, the Sangamon County Board of Review was found to be in default on June 7, 2018, pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.69(a))

Conclusion of Law

The appellant contends in part that 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (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 has given little weight to comparable sale #1 submitted by the appellant as the sale occurred in 2012, remote in time from the assessment date at issue of January 1, 2016.

The Board finds the best evidence of market value in the record are comparable sales #2 and #3 submitted by the appellant and reflecting sales that occurred in May and June 2014 for prices of \$285,000 and \$290,000. The Property Tax Appeal Board finds the subject's assessment reflects a market value greater than the two recent sales of similar properties presented by the appellant. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellant's argument 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 as set forth in a letter dated June 7, 2018.

The Property Tax Appeal Board has examined the information submitted by the appellant and finds that, in the absence of any contradictory evidence, it supports a reduction in the assessed valuation of the subject property. However, the record also indicates that the appellant appealed the assessment directly to the Property Tax Appeal Board based on notice of a township

equalization factor issued by the board of review. Since the appeal was filed after notification of an equalization factor, 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 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 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 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). Based on a review of the evidence contained in the record, the Property Tax Appeal Board finds a reduction in the assessment of the subject property is supported based on overvaluation. Once a reduction for overvaluation is issued, no other reduction for lack of assessment uniformity is permissible as the reduction on this record is limited to the increase in the assessment caused by the application of the equalization factor of 1.0304.

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: August 21, 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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COUNTY

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