



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

APPELLANT: William & Lori Truter
DOCKET NO.: 16-06983.001-R-1
PARCEL NO.: 29-06.0-498-007

The parties of record before the Property Tax Appeal Board are William & Lori Truter, the appellants; 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: \$11,393
IMPR.: \$57,433
TOTAL: \$68,826

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 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 is improved with a one-story dwelling of frame construction with 2,700 square feet of living area. The dwelling is approximately 15 years old. Features of the home include a crawl space foundation, central air conditioning, a fireplace and a three-car attached garage. The property has a 13,300-square foot site and is located in Chatham, Ball Township, Sangamon County.

The appellants contend overvaluation and assessment inequity as the bases of the appeal. In support of these argument the appellants submitted information on three comparables that were improved with one-story dwellings that range in size from 2,564 to 2,694 square feet of living area. Each home is 15 years old with central air conditioning, one fireplace and a garage. Comparables #2 and #3 sold in August 2015 and September 2014 for prices of \$195,000 and \$193,500 or for \$72.38 and \$75.47 per square foot of living area, including land, respectively. The three comparables have total assessments ranging from \$63,596 to \$67,151 and

improvement assessments ranging from \$52,203 to \$55,758 or from \$19.37 to \$21.74 per square foot of living area.

The appellants submitted a copy of the decision of the Sangamon County Board of Review disclosing the subject's 2016 assessment was increased from \$68,826 to \$70,918 by the application of a township equalization factor of 1.0304. The assessment notice indicated that the market value reflected by the subject's equalized assessment was \$212,754 or \$78.80 per square foot of living area, including land. The subject property has an improvement assessment of \$59,525 or \$22.05 per square foot of living area. The appellants requested the subject's assessment be reduced to \$68,826.

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.

Conclusion of Law

The appellants contend in part 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted on this basis.

The Board finds the only evidence of market value to be the two comparable sales submitted by the appellants that sold in August 2015 and September 2014 for prices of \$195,000 and \$193,500 or for \$72.38 and \$75.47 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$212,754 or \$78.80 per square foot of living area, including land, which is above the market value established by the two sales.

Additionally, the appellants contend assessment inequity as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). After an analysis of the assessment data, the Board finds the appellants met this burden and a reduction in the assessment is warranted on this basis.

The appellants provided information on three comparables that have improvement assessments ranging from \$52,203 to \$55,758 or from \$19.37 to \$21.74 per square foot of living area. The subject has an improvement assessment of \$59,525 or \$22.05 per square of living area, which is above the range established by the appellants' comparables.

The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellants' 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. 86 Ill.Admin.Code §1910.40 (a) & §1910.69(a).

The Board further finds the appellants appealed the assessment directly to the Property Tax Appeal Board based on notice of an equalization factor. 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. However, the reduction is limited to the amount of increase in the assessment caused by the application of the equalization factor, which is equivalent to the appellants' request.

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: September 18, 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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