



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

APPELLANT: R. Lupo Talamo/WM Capital Partners XLIV, LLC
DOCKET NO.: 16-07691.001-C-2
PARCEL NO.: 03-11-19-00-200-002

The parties of record before the Property Tax Appeal Board are R. Lupo Talamo/WM Capital Partners XLIV, LLC, the appellant, by attorney Rebecca E. P. Wade, of Meyer Capel, P.C. in Champaign, and the Clark 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 **Clark** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$31,370
IMPR.: \$195,654
TOTAL: \$227,024

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2015 tax year decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 commercial property located in Casey Township, Clark County.

The appellant marked recent sale and recent appraisal as the basis of the appeal. The appellant in this appeal submitted an appraisal to demonstrate that the subject property was overvalued. The appraiser developed two of the three traditional approaches to value in arriving at an opinion of value for the subject property of \$750,000 as of January 1, 2015. Counsel also explained that while the 2015 appeal before the Property Tax Appeal Board was pending the appellant sold the property in July 2017 for a price of \$700,000.

To support this statement the appellant submitted a copy of the sales contract, a copy of the Settlement Statement disclosing a purchase price of \$700,000 and a copy of the PTAX-203

Illinois Real Estate Transfer Declaration further disclosing the purchase price and indicating the property was advertised for sale.

The appellant also reported the final assessment for 2016 as established by the Clark County Board of Review depicting that the subject property had a total assessment of \$466,727 reflecting a market value of \$1,441,850, including land, when using the 2016 three-year average median level of assessment for Clark County of 32.37% as determined by the Illinois Department of Revenue.

The appellant requested the subject's assessment be reduced to \$233,310 which would reflect a market value of \$700,000 at the statutory level of assessment of 33.33%.

On August 30, 2019, the Clark County Board of Review submitted its Certificate depicting that tax districts had been notified of this pending 2016 tax year appeal along with a copy of a PTAX-610, Equalized Assessed Valuation Change for School Districts due to Property Tax Appeal Board Decisions. The PTAX-610 form depicts that the 2016 tax year assessment of the subject property was reduced from \$466,727 to \$227,024.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a) by a letter issued on February 13, 2020.

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 assessment is warranted.

The appellant in this appeal submitted an appraisal of the subject property in support of the contention that the subject property was overvalued. The appraiser developed two of the three traditional approaches to value in arriving at an opinion of value for the subject property of \$750,000 as of January 1, 2015. The appellant also submitted evidence the subject property sold in July 2017 for a price of \$700,000.

The subject's original assessment of \$466,727 reflects an estimated market value of \$1,441,850, including land, when applying Clark County's 2016 three-year average median level of assessment of 32.37%, considerably greater than the appraisal submitted by the appellant and the purchase price. The board of review did not submit any evidence in support of its assessment of the subject property or refute the evidence submitted by the appellant as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a) by a letter issued on

February 13, 2020. The Board has examined the information submitted by the appellant and finds that it supports a reduction in the assessed valuation of the subject property.

The record further disclosed a PTAX-610 was issued in Clark County for tax year 2016 reducing the subject's assessment to \$227,024, which is below the final 2015 assessment issued by the Property Tax Appeal Board in Docket No. 15-06726.001-C-2 of \$249,975. The Board finds the assessment as reflected on the PTAX-610 was also below the appellant's request made in this appeal of \$233,310.¹ Based on this record the Property Tax Appeal Board finds that an assessment of the subject property commensurate with that reflected by the PTAX-610 is appropriate and supported by the July 2017 purchase of the subject property for \$700,000.

¹ The Property Tax Appeal Board takes notice that the Attorney General of the State of Illinois has asserted that a county board of review may not alter an assessment once its decision has been properly appealed to the Property Tax Appeal Board, nor may it alter an assessment by certificate of error or by any other procedure after the Property Tax Appeal Board has rendered its decision. 1977 Ill.Atty.Gen.Op. 188 (October 24, 1977), 1977 WL 19157 (Ill.A.G.).

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 15, 2020



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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