



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

APPELLANT: R. Lupo Talamo/WM Capital Partners XLIV, LLC  
DOCKET NO.: 17-06535.001-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:** \$30,465  
**IMPR.:** \$197,665  
**TOTAL:** \$228,130

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 2017 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 market recent sale and recent appraisal as the bases 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. The appellant also submitted evidence the subject property was purchased in July 2017 for a price of \$700,000. The appellant's counsel explained that while the 2015 appeal was pending before the Property Tax Appeal Board, the appellant sold the property for \$700,000. To document the transaction the appellant submitted a copy of the Settlement Statement, a copy of the Sales Contract and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration.

The appellant also reported the final assessment for 2017 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 \$1,432,117, including land, when using the 2017 three-year average median level of assessment for Clark County of 32.59% 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%.

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.

After the issuance of the letter notifying the board of review of the default determination, on February 28, 2020 the board of review submitted a copy of a Clark County Certificate of Error without any other documentation. The Board recorded this filing in the instant 2017 tax year appeal. The Certificate of Error dated February 5, 2020 depicts a "correction" for tax year 2016 from an assessment of \$453,265, before the State Equalization Factor of 1.0297, to a reduced assessment of \$239,073.<sup>1</sup>

### **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 property sold in July 2017 for \$700,000. The subject's assessment reflects an estimated market value of \$1,432,117, including land, when applying Clark County's 2017 three-year average median level of assessment of 32.59%, considerably greater than the appraisal submitted by the appellant and the purchase price.

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<sup>1</sup> 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.). An appeal of the 2016 tax year assessment of the subject property was postmarked to the Property Tax Appeal Board on July 10, 2019 and the Clark County Board of Review was given notice of that 2016 tax year appeal on August 29, 2019.

On February 28, 2020, the Clark County Board of Review submitted a copy of a Clark County Certificate of Error depicting that the 2016 tax year assessment of the subject property was reduced from \$453,265, before the application of the State Equalization Factor of 1.0297, to \$239,073. 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 record further disclosed a Certificate of Error was issued in 2020 reducing the subject's 2016 tax year assessment to \$239,073, which is less than the total assessment issued by the Property Tax Appeal Board in Docket No. 15-06726.001-C-2 of \$249,975. The Board has also examined the information submitted by the appellant and finds that it supports a reduction in the assessed valuation of the subject property. The Board finds the best evidence of market value is the purchase of the subject property in July 2017 for a price of \$700,000, which is supported by the appraisal to some degree. Since market value has been established, the 2017 three year average median level of assessments for Clark County of 32.59% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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

State of Illinois  
Property Tax Appeal Board  
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Springfield, IL 62706-4001

APPELLANT

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COUNTY

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Clark County Courthouse  
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Marshall, IL 62441