



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

APPELLANT: Brenda Y. Thomas & Dorothy Conner
DOCKET NO.: 22-03197.001-R-1
PARCEL NO.: 07-05.0-204-016

The parties of record before the Property Tax Appeal Board are Brenda Y. Thomas & Dorothy Conner, the appellants; and the St. Clair County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **St. Clair** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$436
IMPR.: \$7,765
TOTAL: \$8,201

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a notice of equalization issued by the St. Clair County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2022 tax year. The Property Tax Appeal Board finds that it has limited jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a 1-story dwelling of frame exterior construction with 1,148 square feet of living area. The dwelling was constructed in 1950 and has an effective age of 1985. Features of the home include a crawl space foundation and a 308 square foot garage.¹ The property has a 6,534 square foot site and is located in East St. Louis, Centreville Township, St. Clair County.

The appellants contend assessment inequity as the basis of the appeal. In support of this argument, the appellants submitted information on five equity comparables located from 4.8 to 5.2 miles from the subject. The parcels range in size from 5,227 to 23,086 square feet of land area and are improved with a 1-story dwelling or a mobile home ranging in size from 920 to 1,820 square feet of living area. Four homes were built from 1915 to 1998, with comparables

¹ Additional details regarding the subject not reported by the appellants are found in the subject's property record card presented by the appellants and the board of review.

#2, #3, and #4 having effective ages of 1975 and 1985, and the comparable #5 has a mobile home that was manufactured in 1994. Four homes each have a crawl space foundation, three homes each have central air conditioning, two homes each have a 440 or a 480 square foot garage, and one home has a 238 square foot carport.² The comparables have land assessments ranging from \$338 to \$1,061 or from \$0.05 to \$0.07 per square foot of land area and four comparables have improvement assessments ranging from \$7,169 to \$12,918 or from \$7.22 to \$13.46 per square foot of living area.

The appellants submitted a brief asserting the five comparables are similar to the subject in site size and dwelling size and demonstrate the subject has been inequitably assessed. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total equalized assessment for the subject of \$8,201. The subject property has a land assessment of \$436 or \$0.07 per square foot of land area and an improvement assessment of \$7,765 or \$6.76 per square foot of living area.

The board of review further indicated in its "Board of Review Notes on Appeal" that the appellants did not file a complaint with the board of review, but filed this appeal directly to the Board following receipt of a notice of an equalization factor of 1.0553 for Centreville Township which increased the subject's total assessment from \$7,771 to \$8,201, the subject's land assessment from \$413 to \$436, and the subject's improvement assessment from \$7,358 to \$7,765.

In support of its contention of the correct assessment the board of review submitted information on three comparables, but the board of review did not present assessment information for these comparables, and thus, the Board shall not further consider these comparables. The board of review requested the subject's assessment be sustained.

In written rebuttal, the appellants presented information on three additional comparables to support their argument. Section 1910.66(c) of the Board's procedural rules (86 Ill. Admin. Code § 1910.66(c)) provides as follows: "Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence." The Board finds the appellants' rebuttal consists of new evidence that is not permitted under Section 1910.66(c) and the Board shall not consider this rebuttal evidence.

Conclusion of Law

The appellants contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity,

² Additional details regarding the comparables are found in their property record cards presented by the appellants.

proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b).

As an initial matter, the record indicates that the appellant did not file a complaint with the board of review but appealed the subject's total assessment directly to the Board based on notices of an equalization factor. Since the appeal was filed after notification of an equalization factor, the amount of relief that the Board can grant is limited. Section 1910.60(a) of the rules of the 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 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. (35 ILCS 200/16-180).

These provisions mean that where a taxpayer files an appeal directly to the 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 Bd., 302 Ill. App. 3d 745, 753, 706 N.E. 2d 76, 82, 235 Ill. Dec. 816, 822 (4th Dist. 1999). Thus, any reduction would be limited to the increase in the assessment caused by the application of the equalization factor.

The Board finds the only evidence of assessment equity to be the appellants' comparables, which are located approximately five miles from the subject. Nonetheless, the Board finds comparables #1, #2, #3, and #5 are similar to the subject in site size and have land assessments ranging from \$338 to \$646 or \$0.06 and \$0.07 per square foot of land area. The Board gave less weight to comparable #4 which is a substantially larger site than the subject. The subject's land assessment of \$436 or \$0.07 per square foot of land area falls within the range established by the best land comparables in this record. Based on this evidence, the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's land was inequitably assessed and a reduction in the subject's land assessment is not justified.

With regard to improvement assessment equity, the Board finds comparables #1 through #4 are relatively similar to the subject in 1-story design and dwelling size and have improvement assessments ranging from \$7,169 to \$12,918 or from \$7.22 to \$13.46 per square foot of living

area.³ The subject's improvement assessment of \$7,765 or \$6.76 per square foot of living area falls within the range established by the best comparables in terms of total improvement assessment and below the range on a per square foot basis. Based on this record and after considering appropriate adjustments to the best comparables for differences from the subject, the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's improvement assessment is not justified.

³ The Board notes comparable #5's mobile home is not assessed as real property and has no improvement assessment.

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: January 16, 2024



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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