

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Gerald & Joyce Krone
DOCKET NO.: 05-01703.001-R-1
PARCEL NO.: 14-2-15-13-10-101-036

The parties of record before the Property Tax Appeal Board are Gerald and Joyce Krone, the appellants; and the Madison County Board of Review.

The subject property consists of a one and one-half story single family dwelling that contains 2,057 square feet of living area. The dwelling is of frame construction with brick veneer on the front of the home. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a two-car attached garage. The dwelling was constructed in 1992. The improvements are located on a 10,260 square foot site in Edwardsville, Madison County.

The appellant, Gerald Krone, appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. The appellant testified the subject was purchased in October 1998 for a price of \$175,000. He next testified the subject dwelling had 2,057 square feet of living area as reflected in an appraisal with an effective date of October 11, 2002, submitted by the appellant. The appraisal, based on the cost approach, estimated the subject had a market value of \$210,251. The appellant submitted a copy of the subject's property record card indicating the subject had 2,199 square feet. The appellant argued that based on the incorrect size as reflected on the property record card the subject's assessment was excessive.

The appellant's primary argument, however, was the subject's market value should be reduced due to mine subsidence. The appellant testified that properties on either side of the subject property have suffered damage from mine subsidence. The appellant stated that a neighbor located at 204 N. Burns Farm Blvd. identified mine subsidence on his property in approximately 2002. He also indicated that another neighboring property located at 208 N. Burns Farm Blvd. suffered mine subsidence and was deemed a total loss by the Illinois Mine Subsidence Fund. He testified that his research indicated the subject is constructed over the same "active mine". The appellant contends the

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Madison County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	13,830
IMPR.:	\$	48,650
TOTAL:	\$	62,480

Subject only to the State multiplier as applicable.

subject's market value has been significantly reduced by this "active mine". The appellant testified the subject property has experienced settling consistent with mine subsidence. The appellant contends that any potential buyer would be greatly concerned about a property which is close to major mine subsidence. The appellant testified that two appraisers indicated that the mine subsidence issue he is faced with significantly reduces the resale value of his home. The appellant testified, however, the appraisers could not prepare appraisals because of the lack of data. Additionally, the appellant testified that he had a real estate broker physically inspect his property and the neighborhood and indicated the subject would have a significant reduction in market value of at least \$50,000. In support of this contention the appellant submitted a copy of a letter dated September 8, 2004, from Macella "Jean" Furfaro-Tiemann of Coldwell Banker Brown Realtors opining the market value of the subject property has been reduced by at least \$50,000 due to mine subsidence.

Under cross-examination the appellant testified that he has not filed any type of claim for mine subsidence so as not to lose insurance on his property. He has observed damage to his driveway and patio that he attributes to mine subsidence. He also testified he has had no engineer or contractor inspect his home. The appellant also testified his assessment request on the petition was based on the neighboring property that had been assessed at \$33,020.

Based on this evidence the appellant was of the opinion the subject's assessment should be reduced to reflect a market value lower than \$160,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$79,160 was disclosed. The subject's assessment reflects a market value of approximately \$237,220 using the 2005 three year median level of assessments for Madison County of 33.37%.

The board of review submitted no evidence of value in support of the subject's assessment. The board of review's representative testified that based on the evidence presented it appeared that a \$40,000 to \$50,000 adjustment would be appropriate.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends the market value of the subject property as reflected by the assessment is excessive due to the impact of mine subsidence and size. 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). The Board finds the appellant

met this burden of proof and a reduction in the subject's assessment is warranted.

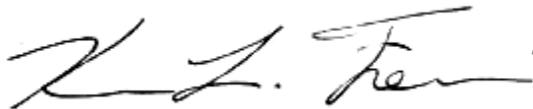
The appellant testified that neighboring properties suffered from mine subsidence and the subject property was also constructed over the same "active mine" that was subsiding. The appellant also indicated he has observed damage to the subject's driveway and patio due to subsidence. The appellant also asserted the subject property's market value was diminished by at least \$50,000 due to mine subsidence in the immediate area. As support for this opinion, the appellant's evidence included a letter from a real estate broker indicating the subject's market value was diminished by at least \$50,000 due to mine subsidence. The board of review submitted no evidence to refute this argument and the board of review's representative indicated that an adjustment of \$40,000 to \$50,000 would be appropriate.

Based on this record the Board finds the market value reflected by the subject's assessment of \$237,220 should be reduced by \$50,000 to account for mine subsidence and a reduction is accordingly warranted. The Board finds the appellant submitted no market data that would justify an assessment lower than the finding herein.

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.



Chairman



Member



Member

Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

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: December 5, 2008



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 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 the subsequent year 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.

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.