

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Donald J. George
DOCKET NO.: 05-01747.001-R-1
PARCEL NO.: 22-25.0-253-004

The parties of record before the Property Tax Appeal Board are Donald J. George, the appellant, and the Sangamon County Board of Review.

The subject property consists of a one and one-half story brick and frame dwelling containing 3,615 square feet of living area that is 17 years old. Features include a full partially finished basement, central air conditioning, three fireplaces, an indoor swimming pool, and a three car attached garage.

The appellant appeared before the Property Tax Appeal Board claiming the market value of the subject property is not accurately reflected in its assessed valuation. In support of the overvaluation argument, the appellant submitted an appraisal estimating the subject property had a market value of \$440,000 as of January 1, 2005, using two of three traditional approaches to value. The appraiser was present at the hearing and provided testimony in connection with the appraisal methodology and final value conclusion. Under the cost approach, the appraiser estimated the subject's fair market value to be \$462,000. Under the sales comparison approach, the appraiser utilized five comparable sales in estimating the subject's fair market value to be \$440,000. In reconciling the two approaches to value, the appraiser placed more weight on the sales comparison approach since it more accurately reflects the actions of typical buyers and sellers in the market. Thus, the appraiser concluded the subject property has a fair market value of \$440,000 as of January 1, 2005. The appellant also submitted a copy of the subject's final assessment notice issued by the Sangamon County Board of Review establishing a total assessment of \$188,841. The subject's assessment reflects an estimated market value of \$566,750 using Sangamon County's 2005 three-year median level of assessments of 33.32%. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value.

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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 Sangamon County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	33,065
IMPR.:	\$	113,543
TOTAL:	\$	146,608

Subject only to the State multiplier as applicable.

The board of review presented its "Board of Review Notes on Appeal" wherein the subject property's final assessment was disclosed. The board of review argued the Property Tax Appeal Board lacked jurisdiction in this appeal because the appellant failed to file an assessment complaint with the Sangamon County Board of Review.

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 this appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The board of review argued the Property Tax Appeal Board lacked jurisdiction in this appeal because the appellant failed to file an assessment complaint with the Sangamon County Board of Review. The Property Tax Appeal Board finds the board of review's argument to be without merit. Section 12-50 of the Property Tax Code provides in part:

Written notice shall also be given to any taxpayer who filed a complaint with the board and whose assessment was not changed. . . In counties with less than 300,000 inhabitants, the notice shall also contain the following statement: "You may appeal this decision to the Property Tax Appeal Board by filing a petition for review with the Property Tax Appeal Board within 30 days after this notice is mailed to you or your agent, or is personally served upon you or your agent". (35 ILCS 200/12-50).

In addition, Section 16-160 of the Property Tax Code provides in part that a taxpayer:

(i) in counties with less than 300,000 inhabitants within 30 days after the date of written notice of the decision of the board of review. . . appeal the decision to the Property Tax Appeal Board. (35 ILCS 200/16-160)

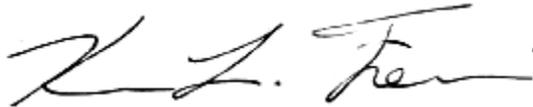
Here, the evidence revealed the Sangamon County Board issued a final decision and notice concerning the subject property and its 2005 assessment on March 24, 2006. In that notice, instructions were given indicating "you may appeal this decision to the Property Tax Appeal Board, Room 402 Stratton Bldg. within 30 days of the date printed in this notice". The evidence in this record clearly shows the appellant filed a petition for review with the Property Tax Appeal Board within 30 days of notification in accordance with Sections 12-50 and 16-160 of the Property Tax Code. (35 ILCS 200/12-50 and 16-160). Thus, the Property Tax Appeal Board finds it has jurisdiction over the parties and subject matter of this appeal.

The appellant contend 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant in this appeal submitted an appraisal in support of the contention that the subject property was not accurately assessed. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellant's argument as required by Section 1910.40(a) of the rules of the Property Tax Appeal Board. Rather the board of review argued the Property Tax Appeal Board lacked jurisdiction, which has previously been addressed by this Board. The appraisal submitted by the appellant estimated the subject property had a market value of \$440,000 as of January 1, 2005. The Boards finds the appellant submitted the best and only evidence of the subject's fair market value. The subject property' assessment reflects an estimated market value of \$566,750. The subject's assessment reflects a market value greater than the appraised value presented by the appellant. Therefore, the Board finds a reduction in the subject's assessment is warranted. Since fair market value has been established, Sangamon County's 2005 three-year median level of assessments of 33.32% shall apply.

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.

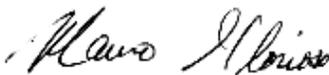
Chairman



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: May 27, 2009



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

Docket No. 05-01747.001-R-1

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.