

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Cindy Claunch
DOCKET NO.: 06-01259.001-R-1
PARCEL NO.: 22-2-20-18-11-203-053

The parties of record before the Property Tax Appeal Board are Cindy Claunch, the appellant; and the Madison County Board of Review.

The subject property is improved with a two-story multi-family building that contains 4,258 square feet of building area. The building is of brick construction and was erected in 1905. Features include a full basement, three bathrooms and central air conditioning. The property is located in Granite City, Granite City Township, Madison County.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. On the petition the appellant indicated the subject property had a fire that gutted one apartment making it not habitable resulting in the subject having 3,193 square feet of usable living area. In further support of this argument the appellant stated on the petition the subject was purchased in April 2004 for a price of \$46,500 or \$10.92 per square foot of total building area. She further indicated the parties to the transaction were not related and the property was sold by the owner. In addition, the appellant provided information on three comparable sales. The comparables were improved with two-story brick multi-family buildings that ranged in size from 3,468 to 4,404 square feet of living area. The comparables were located from 3 to 9 blocks from the subject property and were constructed in either 1900 or 1920. Each comparable had a basement and two comparables had central air conditioning. The properties sold from February 2006 to March 2007 for prices ranging from \$12,500 to \$78,450 or from \$3.60 to \$21.55 per square foot of building area. The evidence further revealed that the appellant did not file a complaint with the board of review but filed an appeal directly to the Property Tax Appeal Board following receipt of the notice of an

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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:	\$	1,720
IMPR.:	\$	21,650
TOTAL:	\$	23,370

Subject only to the State multiplier as applicable.

equalization factor increasing the subject's assessment from \$23,370 to \$24,710. Based on this evidence the appellant requested the subject's assessment be reduced to \$23,370.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment totaling \$24,710 was disclosed. The subject's assessment reflects a market value of approximately \$74,160 or \$17.42 per square foot of total building area using the 2006 three year median level of assessments for Madison County of 33.32%. The board of review indicated the appellant's comparable sales had unit prices ranging from \$3.60 to \$21.55 per square foot whereas the subject's assessment reflects a market value of \$17.41 per square foot, which was within the range established by the comparables. After reviewing the appellant's evidence, the board of review requested the subject's assessment be confirmed.

After reviewing the record 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 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. 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 Board finds the best evidence of value was submitted by the appellant. The appellant submitted information disclosing the subject sold in April 2004 for a price of \$46,500 or \$10.92 per square foot of building area. Additionally, the appellant provided three comparables sales that were similar to the subject that had prices ranging from \$12,500 to \$78,450 or from \$3.60 to \$21.55 per square foot of building area. These sales indicate the subject's 2004 purchase price is reflective of its market value as of the assessment date at issue. The subject's assessment reflects a market value of approximately \$74,160 or \$17.42 per square foot of living area using the 2006 three year median level of assessments for Madison County of 33.32%. The subject's assessment reflects a market value approximately 60% greater than the property's purchase price. The Board finds this evidence demonstrates the subject's assessment is excessive in relation to its market value.

The Board further finds the evidence in the record discloses the appellant did not file a complaint with the board of review but

appealed the assessment directly to the Property Tax Appeal Board based on notice of an equalization factor. Since the appeal was filed after notification of an equalization factor, the amount of relief that the Property Tax Appeal Board can grant is limited. Section 1910.60(a) of the Official Rules of the Property Tax Appeal 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 (35 ILCS 200/16-180) 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.

These provisions mean that where a taxpayer files an appeal directly to the Property Tax Appeal 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 Board, 302 Ill.App.3d 745, 753 (4th Dist. 1999). Based on a review of the evidence contained in the record, the Property Tax Appeal Board finds a reduction in the assessment of the subject property is supported. However, the reduction is limited to the increase in the assessment caused by the application of the equalization factor.

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: August 14, 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.