

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Stephen and Sandra Conway
DOCKET NO.: 07-02909.001-R-1
PARCEL NO.: 14-2-15-28-01-101-021

The parties of record before the Property Tax Appeal Board are Stephen and Sandra Conway, the appellants; and the Madison County Board of Review.

The subject property is improved with a one and one-half-story single family dwelling that contains 2,412 square feet of living area. The dwelling has a brick exterior construction with a full finished basement, two fireplaces, central air conditioning and an attached garage. The dwelling is approximately five-years old. The property is located in Edwardsville, Madison County.

The appellants claim overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of their inequity argument, the appellants submitted information on four comparable properties described as one-story or two-story frame and masonry or brick dwellings that range in age from 5 to 12 years old for consideration. The comparables range in size from 2,420 to 4,014 square feet of living area and have improvement assessments ranging from \$32.92 to \$55.23 per square foot of living area. The subject's improvement assessment is \$59.97 per square foot of living area. The comparables were situated on lots ranging from 14,555 to 28,408 square feet of land area with land assessments ranging from \$.53 to \$2.46 per square foot of land area. The subject is depicted as having a land area of 5,962 square feet with a land assessment of \$36,280 or \$.16 per square foot of land area. Based on this evidence, the appellants requested a reduction in the subject's assessment. The evidence further revealed the appellants filed their appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor. Based on this evidence the appellants request the subject's assessment be reduced to \$162,280.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$192,590 was disclosed. The evidence disclosed the subject's

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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:	\$	36,280
IMPR.:	\$	144,640
TOTAL:	\$	180,920

Subject only to the State multiplier as applicable.

total assessment of \$192,590 reflects a market value of approximately \$600,530 using the 2007 three-year median level of assessments for Madison County of 32.07% as determined by the Illinois Department of Revenue.

After reviewing the appellants' evidence, the board of review agreed to reduce the subject's assessment to \$180,920, which was the assessment of the subject prior to the increase caused by the application of the equalization factor.

The appellants were notified and rejected the proposal made by the board of review. In addition, the appellant submitted further evidence of an appraisal estimating the subject's market value of \$490,000 as of July 30, 2008. The appraisal contained three comparable sales that sold from \$448,000 to \$485,000 or from \$154.10 to \$169.06 per square foot of living area. The comparables were adjusted for such items as location, quality of construction, age, size and basement finish. The comparable properties had adjusted sales prices ranging from \$476,060 to \$519,140.

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. Based upon the evidence submitted, the Board finds that a reduction in the subject's assessment is supported.

The Board finds the best evidence of market value in the record is the appraisal depicting an estimated market value of \$480,000 as of July 30, 2008 presented by the appellants. The subject's assessment reflects a market value that is greater than the estimated market value as reflected in the appraisal submitted by the appellants and is excessive in relation to its market value. However, the record indicates that the appellants 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 may 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:

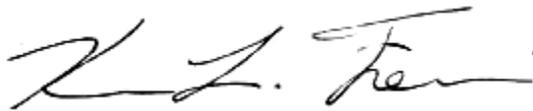
Where no complaint has been made to the board of review of the county where the property is located and the appeal is based solely on the effect of an equalization

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.

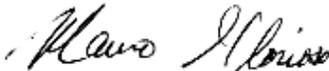
Chairman



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: 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 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.