



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

APPELLANT: Kenneth Kincaid
DOCKET NO.: 07-03567.001-R-1
PARCEL NO.: 24-2-01-34-03-304-017

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

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 10,220
IMPR.: \$ 32,560
TOTAL: \$ 42,780

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story brick dwelling containing 2,140 square feet of living area that was built in 1955. Features include a concrete slab foundation, central air conditioning, a fireplace and a 575 square foot garage. The dwelling is situated on a 17,360 square foot irregularly shaped lot.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted three suggested comparables sales described as being located from 7 houses to down the street from the subject. The comparables consist of a two-story and two, one-story style dwellings of frame or brick construction that were built from 1942 to 1960. The land size for comparable 1 was not disclosed while comparables 2 and 3 have land sizes of 28,880 and 40,200 square feet, respectively. The comparables have full or partial finished basements, central air conditioning and garages that range in size from 480 to 576 square feet. The dwellings range in size from 1,852 to 2,545 square feet of living area. The comparables sold from September 2006 to April 2008 for prices ranging from \$149,750 to \$185,000

or from \$72.69 to \$93.95 per square foot for living area including land.

The appellant argued the subject property is assessed for a basement as depicted on its property record card, but the subject dwelling was constructed over a concrete slab foundation. The appellant also raised concern that the subject's assessed valuation has increased, although no improvements have been made to the dwelling together with the fact there has been a downturn in the real estate market. The appellant further argued the subject's lot is irregularly shaped that is not usable except for maintenance. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$42,780 was disclosed. The subject's assessment reflects an estimated market value of \$128,468 or \$60.03 per square foot of living area including land using Madison County's 2007 three-year median level of assessments of 33.30%.

In support of the subject's assessment, the board of review submitted four suggested comparable sales. One comparable is located along the subject's street while three comparables are located one mile from the subject. The comparables consist of one-story brick dwellings that were built from 1950 to 1961. The dwellings are situated on lots ranging in size from 14,500 to 38,790 square feet of land area. Two comparables have partial unfinished basements and two comparable have crawl space foundations. The comparables have central air conditioning, one fireplace and garages that range in size from 264 to 576 square feet. The dwellings contain from 1,067 to 1,562 square feet of living area. They sold from June 2006 to December 2007 for prices ranging from \$100,000 to \$160,000 or from \$93.10 to \$103.05 per square foot for living area including land.

The board of review also submitted a revised property record of the subject's property. The property record card shows the board of review removed the unfinished basement and recalculated the replacement cost new of the subject dwelling based on no basement. Based on this evidence, the board of review requested a confirmation of the subject's assessment.

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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant did not meet this burden of proof.

The Property Tax Appeal Board finds the parties submitted seven suggested comparable sales to support their respective positions regarding the subject's correct assessed valuation. The Property Tax Appeal Board gave less weight to comparables 1 submitted by the appellant due to its dissimilar design when compared to the subject. The Board finds the remaining six comparables are one-story dwellings like the subject with varying foundations types and dwelling sizes when compared to the subject. Other features were similar to the subject in most respects. They sold for prices ranging from \$100,000 to \$185,000 or from \$72.69 to \$103.50 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$128,468 or \$60.03 per square foot of living area including land, which is considerably less than the most similar sales contained in this record on a per square foot basis. After considering adjustments to the comparables for differences when compared to the subject, such as age, size, foundation types, features and land area, the Board finds the subject's assessed valuation is supported and no reduction is warranted.

Based on this analysis, the Property Tax Appeal Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence and no assessment reduction is warranted.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: July 23, 2010

Allen Castrovillari

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.