



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

APPELLANT: Christopher Byron
DOCKET NO.: 07-03599.001-C-1
PARCEL NO.: 14-2-15-11-11-202-012

The parties of record before the Property Tax Appeal Board are Christopher Byron, the appellant, and the Madison County Board of Review.

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: \$9,750
IMPR.: \$163,740
TOTAL: \$173,490

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story commercial building of brick construction that contains 8,000 square feet of building area. The subject has office space, 4,000 square feet of retail space and four apartments. The building is 108 years old. The subject has a 15,000 square foot parcel and is located in Edwardsville, Edwardsville Township, Madison County.

The appellant submitted a Commercial Appeal form wherein he indicated the basis of the appeal was comparable sales. In support of this argument the appellant completed Section V of the appeal form containing a grid analysis. The appellant submitted information on three comparables described as being improved with two, one-story buildings and one, three-story building that range in size from 3,138 to 4,910 square feet of building area. The buildings ranged in age from 20 to 85 years old. The comparables are of brick, concrete or wood and concrete construction. The appellant indicated the comparables were located from 500 yards to 2 blocks from the subject. The properties sold from September 2003 to April 2007 for prices ranging from \$170,000 to \$500,000 or from \$41.14 to \$159.34 per square foot of building area, land included. The appellant indicted the subject property was

purchased in 2003 for a price of \$235,000 or \$29.38 per square foot of building area, land included.

The evidence provided by the appellant also indicated the comparables had total assessments ranging from \$48,990 to \$75,670 and improvement assessments ranging from \$43,650 to \$65,240 or from \$10.20 to \$20.79 per square foot of building area. The subject has an improvement assessment of \$174,300 or \$21.79 per square foot of building area. The comparables have parcels that range in size from 4,107 to 16,020 square feet of land area. Their land assessments range from \$5,340 to \$10,430 or from \$.49 to \$2.36 per square foot of land area. The subject has a land assessment of \$10,380 or \$.69 per square foot of land area.

The evidence further revealed that the appellant filed the appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor increasing the subject's assessment from \$173,490 to \$184,680. The Notice of Final Decision on Assessed Value by Board of Review indicated the market value reflected by the equalized assessment was \$554,040, which equates to \$69.25 per square foot of building area, including the land. Based on this evidence the appellant requested the subject's assessment be reduced to \$159,750.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$184,660 was disclosed. The board of review argued the appellant's comparables sold for prices ranging from \$41.14 to \$159.34 per square foot of building area. It noted the subject's assessment reflects a value of \$69.25 per square foot of building area, which is within the range established by the comparables. Based on this evidence, the board of review requested 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

Initially, the Board finds the subject's assessment appears to be excessive in relation to the market value of the subject property as evidence by a 2003 purchase price. The record disclosed the subject's equalized assessment reflects a market value of \$554,040. The record further disclosed the subject property was purchased in 2003 for a price of \$235,000, which is approximately \$319,000 less than the fair cash value as reflected by the subject's assessment.

The appellant indicated on the appeal form that comparable sales were the basis of the appeal. In support of this argument the appellant provided data on three sales of commercial buildings that had varying degrees of similarity to the subject. These three properties sold from September 2003 to April 2007 for prices ranging from \$170,000 to \$500,000. The subject property

sold during this same time frame for a price of \$235,000. The subject's sale price was within the range established by the three comparables in the record. However, the subject had the highest total assessment of these properties at \$184,680 while the comparables had total assessments ranging from \$48,990 to \$75,670. Comparable sale #2 was most similar to the subject in multi-story design, age and size. This property had a sales price of \$202,000 or \$41.14 per square foot of building area and a total assessment of \$59,790. The data further disclosed the subject had an improvement assessment of \$174,300 or \$21.79 per square foot of building area while the comparables had improvement assessments ranging from \$43,650 to \$65,240 or from \$10.20 to \$20.79 per square foot of building area. The only other multi-story building in the record that was also similar in age to the subject had an improvement assessment of \$10.20 per square foot of building area. The subject's improvement assessment is above the range established by these comparables. Furthermore, the comparables had land assessments ranging from \$.49 to \$2.36 per square foot of land area. The two comparables with land areas most similar to the subject had land assessments of \$.49 and \$.65 per square foot of land area. The subject has a land assessment of \$.69 per square foot of land area, which is above the range established by the most similar comparables. After considering the sales prices of these comparables with that of the subject and their assessments to that of the subject, the Board finds a reduction is justified. The Board finds the subject's assessment is disproportional and inequitable when compared to these properties.

The Board further finds the appellant appealed the assessment directly to the Property Tax Appeal Board based on notice of an equalization factor. Due to the fact 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 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 pre-equalized assessment.

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.

Ronald 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: January 21, 2011

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.