



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

APPELLANT: Stanley Budzinski
DOCKET NO.: 07-06083.001-R-1
PARCEL NO.: 03-00-067-320

The parties of record before the Property Tax Appeal Board are Stanley Budzinski, the appellant; and the Putnam 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 Putnam County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$28,662
IMPR.: \$104,938
TOTAL: \$133,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a residential property located in Putnam County, Senachwine Township, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject's assessment is not reflective of its fair market value. In support of this claim, the appellant submitted an appraisal of the subject property prepared by a state licensed appraiser. Using the sales comparison approach to value, the appraisal estimated the subject property had a fair market value of \$400,000 as of December 31, 2007. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$124,675, which reflects an estimated market value of approximately \$374,062.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$175,632 was disclosed. The subject's assessment reflects an estimated market value of \$525,844 using Putnam County's 2007 three-year median level of assessments of 33.40%.

In its response letter to the appeal, the board of review indicated it "will not stipulate on this docket. We feel our decision on the value of the land and home is fair and equitable". The board of review acknowledged the appellant submitted an appraisal for the subject property for \$400,000. However, the board of review argued the effective date of the appraisal was December 31, 2007. The board of review indicated it "is looking for market value as of January 1, 2007", referencing section 9-155 of the Property tax Code, which provides in part:

Valuation in general assessment years. On or before June 1 in each general assessment year in all counties with less than 3,000,000 inhabitants, . . . the assessor, in person or by deputy, shall actually view and determine as near as practicable the value of each property listed for taxation as of January 1 of that year, or as provided in Section 9-180, and assess the property at 33 1/3% of its fair cash value, or in accordance with Sections 10-110 through 10-140 and 10-170 through 10-200, or in accordance with a county ordinance adopted under Section 4 of Article IX of the Constitution of Illinois. The assessor or deputy shall set down, in the books furnished for that purpose the assessed valuation of properties in one column, the assessed value of improvements in another, and the total valuation in a separate column.

Based on this statute, the board of review argued the appellant's appraisal report should not be considered as evidence of value. Thus, the board of review requested confirmation of the subject's assessment. The board of review did not submit any market evidence to support its assessment of the subject property or refute the value conclusion contained in the appraisal of the subject property.

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 a reduction in the subject'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 has overcome this burden.

The appellant submitted an appraisal of the subject property that estimated a fair market value of \$400,000 as of December 31, 2007. The board of review submitted no market evidence in support of its assessment of the subject property. The Property Tax Appeal Board recognizes the appraisal submitted by the appellant has an effective valuation date 364 days subsequent to the January 1, 2007 assessment date at issue in this appeal.

However, the Board finds the subject's assessed valuation as determined by the board of review is not presumed to be correct. The Property Tax Appeal Board is not to afford *prima facie* weight to the findings and conclusions of fact made by the board of review (Mead v. Board of Review of McHenry County, 143 Ill. App. 3d 1088 (2nd Dist. 1986); Western Illinois Power Cooperative, Inc. v. Property Tax Appeal Board, 29 Ill. App. 3d 16 (4th Dist. 1975). The decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence. (35 ILCS 16-185; Commonwealth Edison Co. v. Property Tax Appeal Board, 102 Ill. 2d 443 (1984); Mead, 143 Ill. App. 3d 1088.) A taxpayer seeking review at the Property Tax Appeal Board from a decision of the board of review does not have the burden of overcoming any presumption that the assessed valuation was correct. (People ex rel. Thompson v. Property Tax Appeal Board, 22 Ill. App. 3d 316 (2nd Dist. 1974); Mead, 143 Ill. App. 3d 1088.)

The Board finds the best and only evidence of the subject's value contained in this record in the appraisal submitted by the appellant for \$400,000. The subject's assessment reflects an estimated market value of \$525,844, which is higher than the appraisal submitted by the appellant. Therefore, a reduction in the subject's assessment is warranted. Since fair market value has been established Putnam County's 2007 three-year median level of assessments of 33.40% shall apply. 86 Ill.Admin.Code §1910.50(C)(1).

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

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerski

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 21, 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.