



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

APPELLANT: Robert & Shelley Huck
DOCKET NO.: 08-03989.001-R-1
PARCEL NO.: 22-04.0-328-034

The parties of record before the Property Tax Appeal Board are Robert & Shelley Huck, the appellants, and the Sangamon 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 Sangamon County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$4,857
IMPR.: \$34,426
TOTAL: \$39,283

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,320 square foot parcel that has been improved with a one and one-half-story single-family frame constructed dwelling that is 58 years old and contains 1,315 square feet of living area. Features include a basement with finished area, central air conditioning, a fireplace, and a one-car detached garage. The property is located in Sangamon County.

The appellants claim overvaluation as the basis of the appeal. In support of this argument the appellants submitted a grid analysis of four suggested comparable sales and an appraisal with an opinion of value as of May 2001.¹ From the grid, the comparable sales reflect properties located from .22 to .49 miles from the subject property which were improved with one and one-

¹ For a 2008 assessment appeal, the Board finds the appraisal's opinion of value is too distant in time to be a valid indicator of the subject's estimated market value as of January 1, 2008 and will not be considered further on this record.

half-story dwellings of frame or masonry exterior construction that ranged in age from 58 to 90 years old. The comparables range in size from 1,505 to 3,110 square feet of living area and feature basements, three of which have finished area, central air conditioning and one to three-car detached garages. Two comparables also have a fireplace. These comparables sold between January and February 2009 for prices ranging from \$79,500 to \$164,000 or from \$32.10 to \$81.06 per square foot of living area, land included.

The evidence further revealed that the appellants 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 \$39,283 to \$40,105. Based on this evidence, the appellants requested the subject's total assessment be reduced to \$25,618 which would reflect a market value of approximately \$76,854.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$40,105 was disclosed. After reviewing the appellants' evidence, the board of review agreed to reduce the subject's assessment by the amount of increase caused by the application of the equalization factor or to \$39,283.

The appellants were notified of this suggested agreement to reduce the assessment and specifically rejected the same by correspondence dated January 9, 2010.

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.

Based upon the evidence submitted, the Board finds that a reduction in the subject's assessment is supported. However, the record indicates that the appellants did not file a complaint with the board of review but appealed the subject's 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 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. (35 ILCS 200/16-180).

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. Thus, the Board finds a reduction in the subject's assessed valuation commensurate with the board of review's proposal is correct.

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

Shawn R. Lerbis

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: March 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.