



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

APPELLANT: James & Kathleen McDermott
DOCKET NO.: 08-05002.001-R-1
PARCEL NO.: 01-2-24-04-09-104-015

The parties of record before the Property Tax Appeal Board are James & Kathleen McDermott, the appellants, 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: \$12,710
IMPR.: \$43,540
TOTAL: \$56,250

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of brick construction containing 1,647 square feet of living area. The dwelling is 54 years old. Features of the home include a full basement, central air conditioning, a non-operational fireplace, and an attached two-car garage.

The appellants' appeal is based on unequal treatment in the assessment process. The appellants submitted information on four comparable properties and included a brief arguing that the subject is assessed higher than two of the four comparables even though the subject was built in 1954 and the comparables are newer. Based on the size and age of the subject, the appellants contend the subject is inequitably assessed.

As shown in the grid analysis, the comparables are located from next door to one block from the subject property. The homes are described as one-story stone, frame or masonry and stone dwellings that range in age from 33 to 53 years old. The comparable dwellings range in size from 1,677 to 2,353 square feet of living area. Features include central air conditioning and garages ranging in size from 483 to 676 square feet of building area. One comparable has a full finished basement and three have a fireplace. The comparables have improvement assessments ranging from \$43,800 to \$47,750 or from \$20.29 to

\$27.37 per square foot of living area. The subject's improvement assessment is \$43,540 or \$26.44 per square foot of living area.

Based on this evidence, the appellants requested a reduction in the subject's assessment to the total pre-equalized assessment of \$54,360.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$56,250 was disclosed. The board of review contended that the subject's assessment falls within the range of the comparables presented by the appellants. 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 this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

The appellants contend unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellants have not met this burden.

The Board finds comparables #1, #2 and #4 submitted by the appellants were most similar to the subject in location, size, style, exterior construction, features and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$21.43 to \$27.37 per square foot of living area. The subject's improvement assessment of \$26.44 per square foot of living area is within the range established by the most similar comparables. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the appellants disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that

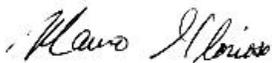
the appellants have not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction is warranted.

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.

Chairman



Member



Member



Member



Acting 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: November 18, 2011



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.