



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

APPELLANT: Dale Wood
DOCKET NO.: 08-05514.001-R-1
PARCEL NO.: 22-23.0-156-027

The parties of record before the Property Tax Appeal Board are Dale Wood, the appellant, 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: \$5,010
IMPR.: \$27,431
TOTAL: \$32,441

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,822 square foot parcel improved with a one-story single family dwelling of masonry exterior construction that was built in 1989. Features of the home include a crawl-space foundation, central air conditioning, and a two-car garage. The property is located in Springfield, Capital Township, Sangamon County.

The appellant claims overvaluation as the basis of the appeal for this Residential Appeal that was filed on May 13, 2009. In support of this argument, the appellant submitted an appraisal with an estimated market value for the subject property of \$86,000 as of March 26, 2009. The evidence further revealed that the appellant filed the appeal directly to the Property Tax Appeal Board following receipt of the 2008 notice of a township equalization factor issued by the board of review on April 17, 2009 establishing a total equalized assessment for the subject property of \$33,119. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$28,666 or to reflect a market value of approximately \$86,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$33,119 was disclosed. After reviewing the appellant's 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 \$32,441.

The appellant was notified of this suggested agreement by letter dated February 2, 2010 and given thirty (30) days to respond if the offer was not acceptable. The appellant responded to the Property Tax Appeal Board by letter dated February 23, 2010 rejecting the board of review's proposed assessment and further disputing that 'no previous assessment appeal' had been filed. Specifically, the appellant referenced having filed an assessment complaint for the 2009 assessment of the subject property with the Sangamon County Board of Review on July 22, 2009 and that a hearing was held on that 2009 assessment appeal before the board of review on October 14, 2009. In conclusion, the appellant contends that the appraisal with an estimated market value of \$86,000 is the best evidence of value on the record and the assessment should be reduced to reflect approximately 1/3 of that estimated market value.

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.

However, the record indicates that the appellant appealed the 2008 assessment of the subject property directly to the Property Tax Appeal Board based on notice of a township equalization factor issued by the board of review on April 17, 2009.¹ Since 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 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).

¹ Thus, appellant's appeal to the board of review for the 2009 assessment referenced in rebuttal is separate and apart from this appeal concerning the 2008 assessment of the property.

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 2008 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.

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 P. 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: June 18, 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.