FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Blair Minton
DOCKET NO.: 09-01758.001-C-1
PARCEL NO.: 15-26-301-005

The parties of record before the Property Tax Appeal Board are Blair Minton, the appellant, by attorney Thomas J. Pastrnak, of the Pastrnak Law Firm, P.C., in Davenport, and the Rock Island 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 **Rock Island** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$59,654
IMPR.:	$0
TOTAL:	$59,654

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property, also known as Lot 18 in Country Estates @ Fancy Creek Crossing, consists of approximately 3.06-acres of vacant land. The property is located in Andalusia, Andalusia Township, Rock Island County.

A consolidated hearing was held on Docket Nos. 09-01749.001-C-1, 09-01750.001-C-1, 09-01758.001-C-1 and 09-01759.001-C-1 although individual decisions will be issued for each of these appeals. Any references to the transcript of the proceedings will be "TR" followed by page citation(s).

The appellant appeared through legal counsel before the Property Tax Appeal Board claiming both overvaluation and a contention of law as the bases of the appeal.[1] Initially, the appellant contends that the subject parcel was improperly denied the

[1] While the appeal petitions included the additional bases of appeal as assessment equity and comparable sales, counsel on behalf of the appellant agreed at hearing that those claims were not currently before the Property Tax Appeal Board. (TR. 6-7)

developer's exemption as set forth in the Property Tax Code (hereinafter "Code").[2] In the alternative, the appellant asserted that if the property is not entitled to the developer's exemption, then the property has been overvalued as shown in the appraisal report filed with this appeal by the appellant.

The board of review submitted its "Board of Review - Notes on Appeal" wherein the subject parcel's land-only assessment of $59,654 was disclosed. In support of the subject's assessment and in explaining the denial of a developer's exemption, the board of review submitted letters outlining its arguments along with documentation which included addressing the Code provisions regarding developer's relief and the submission of sales data to support the subject's estimated market value based on its assessment.

This decision of the Property Tax Appeal Board will initially discuss the developer's relief exemption with the applicable evidence presented by both parties followed by a determination on the applicability of the provision. Next, if necessary, the decision will address the overvaluation contention along with applicable evidence presented by both parties followed by a determination.

Contention of Law - Developer's Exemption

The evidence presented by both parties regarding the ownership and transfer(s) of the subject parcel will be outlined in light of the provisions of the Code which are at issue in this proceeding.

Factually the parties do not dispute that Andalusia Ventures was the initial owner of the subject land. The board of review reported that the owner of the land that was platted was Andalusia Ventures. (See Larry Wilson letter dated April 27, 2011 citing to Document #2003-48631). The property was platted as Country Estates @ Fancy Creek Crossing and the board of review reported that on December 19, 2007 the subdivision was recorded as a Final Plat (citing to Document #2007-29902). There is no dispute that the property was platted in accordance with the Plat Act; the platting occurred after January 1, 1978; the property

[2] In the briefing, counsel raised a third issue contending denial of due process by the Rock Island County Board of Review prior to issuance of the Final Decision which led to the instant appeal. (See Brief, pp. 6-9) At hearing, counsel for appellant agreed that the Property Tax Appeal Board has no jurisdiction to determine any alleged due process violation by the Rock Island County Board of Review. (TR. 8-9) Furthermore, as a matter of Board jurisdiction, the Property Tax Code clearly authorizes the Property Tax Appeal Board to determine "the correct assessment of property which is the subject of an appeal." (35 ILCS 200/16-180). See People ex rel. Thompson v. Property Tax Appeal Board, 22 Ill. App. 3d 316 (2nd Dist. 1974) (only authority and power placed in the Board by statute is to receive appeals from decisions of boards of review, make rules of procedure, conduct hearings, and make a decision on the appeal). Thus, this aspect of the appellant's argument will not be further addressed herein.

was in excess of 5-acres when it was subdivided; and the property was, as of the assessment date at issue, vacant.

The parties both agree that on February 8, 2008, Andalusia Ventures sold the entire Country Estates @ Fancy Creek Crossing subdivision to Country Estates @ Fancy Creek Crossing LLC (the board of review submitted Document #2008-02710 to support this).

As to the application of the Code, the appellant presented a multi-page brief prepared by counsel with multiple attachments contending, in pertinent part, that the board of review incorrectly assessed the subject parcel based upon its purported fair cash value; appellant contends that instead the parcel is entitled to a preferential assessment allowed to land developers under Section 10-30 and/or 10-31 of the Code. (35 ILCS 200/10-30 & 10-31). As argued by counsel, the appellant is allegedly such a land developer. (Brief, p. 5)

In the brief, appellant reported that in March 2007 certain 'taxpayers,' including the instant appellant, formed Country Estates @ Fancy Creek, LLC, an Illinois Limited Liability Company (hereinafter "Fancy Creek") to buy all the lots in Country Estates and what was later to become Woods Subdivision from Andalusia Ventures, LC. (Brief, p. 2) The brief at page 2 defines the 'taxpayers' as including the appellants named in each of the pending appeals that were consolidated for this hearing along with others who since have withdrawn their appeals.

It is asserted further in the brief that because the land value alone would not support the financing necessary to construct infrastructure in the subdivision, Fancy Creek created a joint venture with 'taxpayers' who were also investors in Fancy Creek. (Brief, p. 2; see also Andrew Frye affidavit attached to brief as Exhibit A).[3] The Frye affidavit asserts in pertinent part that:

> At all times, [Fancy Creek] and its investors were working in concert as a joint venture to develop the subdivision and sell the lots for residential development and that the mechanism selected, namely, was to have [Fancy Creek] buy all the lots and subsequently sell a portion thereof to its members, was purposely done in order to obtain financing in order to complete the development of the subdivision.

(Frye Affidavit, Par. 4).

On January 30, 2008, Fancy Creek bought the subdivision for $2,150,000 and *simultaneously* conveyed eleven of the twenty lots to 'taxpayers.' [Emphasis added.] (Brief, p. 2) One of those conveyances was the subject parcel, Lot 18, which was reportedly conveyed for $179,672. (See also PTAX-203 Illinois Real Estate Transfer Declaration in the board of review's evidence. The

[3] Frye did not appear at hearing to provide testimony and/or be subjected to cross-examination.

document is dated January 2008 and recorded February 8, 2008 conveying the subject vacant parcel from Country Estates @ Fancy Creek LLC to appellant Blair Minton for $179,672).

The Notice of Final Decision on Assessed Value by Board of Review concerning the subject property issued on February 11, 2010 states as the reason for "any change" [or lack of change] in the subject's assessed value:

> Sold in 2008. Not entitled to developer's exemption.

(See Rock Island County Board of Review Notice of Final Decision).[4]

With regard to the appellant's legal argument, the board of review relied upon an eight-page letter from Larry A. Wilson, Chief County Assessment Officer, along with attachments and his testimony at the hearing. Among the documentation presented were copies of the Property Tax Code provisions at issue; a copy of Publication 134, Developer's Exemption Property Tax Code, Section 10-30 published by the Illinois Department of Revenue; and copies of applicable Real Estate Transfer Declarations (PTAX-203).

At hearing, the board of review called Wilson as a witness for testimony. Wilson stated that with the 2007 platting of the land, as of January 1, 2008 the property was accorded the preferential assessment (developer's relief) in accordance with Section 10-30 of the Code. Thereafter, in January 2008, there were initial transfers of the parcels which, in accordance with subsection (c) of Section 10-30, removed the preferential status of the parcels as of the January 1, 2009 assessment date due to an "initial sale" having occurred. (TR. 60-61)

In support of the foregoing assertions, the board of review submitted a PTAX-203 Illinois Real Estate Transfer Declaration (Exhibit 7) regarding 132.86-acres of vacant land which was sold by Andalusia Ventures LLC to Country Estates @ Fancy Creek LLC in January 2008 and recorded in February 2008. The reported sale price was $2,150,000. On that same date, Country Estates @ Fancy Creek LLC transferred ownership of the subject parcel, along with others, to the 'taxpayers,' including the appellant in this proceeding, as shown on recorded documents previously referenced.

The board of review contended through the testimony of Wilson that since the subject parcel was sold in February 2008 by the original developer, its preferential assessment expired and the

[4] Although other appeals on parcels owned by Emerald Builders (who created the Woods Subdivision from original Lot #7 of the subdivision) were withdrawn, counsel for the appellant contended that those parcels retained their preferential assessment and thus the subject parcel should be similarly treated. Factually, however, Lot 7 was platted in November 2008 as Woods Subdivision consisting of ten lots and an outlot. Thus, this 'new' subdivision was still owned by the developer Emerald Builders and, having been platted anew, was granted the developer's exemption as of January 1, 2009. (See also Footnote 5 below; also TR. 76-83, 93-95).

subject parcel was revalued at 33 1/3% of fair market value as of January 1, 2009. Wilson on behalf of the board of review cited Section 10-30(c) of the Property Tax Code (35 ILCS 200/10-30(c)) to support the proposition that the subject parcel is not entitled to a preferential assessment.

Section 10-30(c) provides in part:

> Upon completion of a habitable structure on any lot of subdivided property, or upon the use of any lot, either alone or in conjunction with any contiguous property, for any business, commercial, or residential purpose, or **upon the initial sale of any platted lot, including a platted lot which is vacant**: (i) the provisions of subsection (b) of this Section shall no longer apply in determining the assessed valuation of the lot (ii) each lot shall be assessed without regard to any provision of this Section, and (iii) the assessed valuation of the remaining properties, when next determined, shall be reduced proportionately to reflect the exclusion of the property that no longer qualifies for valuation under this Section. (35 ILCS 200/10-30(c)). [Emphasis added.]

The board of review argued that because the subject property sold in 2008, Section 10-30(c) of the Property Tax Code (35 ILCS 200/10-30(c)) directs that the preferential assessment no longer apply in determining its assessed value as of January 1, 2009 and further authorizes the subject parcel be assessed without regard to any provision of this section.

On cross-examination, Wilson acknowledged that actual publication of assessment change for the subject parcel would have occurred on or about September 23, 2009. (TR. 71-72)

In rebuttal, the appellant contended that the board of review and/or assessing officials ignored the fact that the "initial sale" of the subject property was from one related party to another, that the land was being held for development, and that the appellant herein was a part owner of the prior ownership entity.

After 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 of review contends that the subject parcel was sold in 2008 and thus no longer qualifies for the preferential assessment as of January 1, 2009. The appellant contends the appellant is a 'developer.' Moreover, the appellant argues that interpreting 'initial sale' as a first transfer of the land from the developer to anyone else would be inconsistent with the legislative intent to protect real estate developers from rising assessments which result from initial platting and subdivision of vacant land for further development.

1. Apply Section 10-30 or Section 10-31

As a consequence of the alternative arguments made by the appellant, within the context of the developer's exemption argument, there is an initial issue of whether Section 10-30 or 10-31 of the Code (35 ILCS 200/10-30 & 10-31) applies to the subject parcel. The appellant contends that Section 10-31 applies given its effective date of August 14, 2009 along with the notice of a change in assessment that occurred after said date (i.e., publication of the assessment change in September 2009). The board of review contends that it is Section 10-30 which applies, if any, due to the assessment date at issue of January 1, 2009 and the lack of any statement of retroactive effect in the statute.

Section 10-30(d) of the Code (35 ILCS 200/10-30(d)) states:

> This Section applies **before the effective date of this amendatory Act** of the 96th General Assembly and then applies again beginning January 1, 2012. [Emphasis added.]

(Citing P.A. 95-135, eff. 1-1-08; 96-480, **eff. 8-14-09**). In contrast, the new provision of the Property Tax Code known as Section 10-31(d) states as follows:

> This Section applies **on and after the effective date** of this amendatory Act of the 96th General Assembly and through December 31, 2011.

(Citing P.A. 96-480, **eff. 8-14-09**).

The appellant argues that as of August 14, 2009, Section 10-31 governs the instant appeal. In footnote 9 of appellant's brief, the appellant contends that Section 10-30 of the Code was effective until August 14, 2009 and that Section 10-31, effective since August 14th, will remain effective through December 31, 2011. Since the underlying appeal before the Rock Island County Board of Review was filed at the "earliest possible date" with regard to this 2009 assessment appeal after the assessment change was published and such date was after August 14, 2009, the appellant contends that Section 10-31 is the applicable statutory provision for the question of the developer's exemption. (See Brief, p. 12)

The board of review argued that properties are assessed as of January 1 each year and as such, Section 10-31 of the Code cannot be applicable to a January 1, 2009 assessment appeal since the provision did not become effective until August 14, 2009.

The Property Tax Appeal Board agrees with the interpretation of the board of review and finds that Section 10-31 of the Code is not applicable to this 2009 assessment appeal. Sections 9-95, 9-155 and 9-175 of the Code provide that real estate is to be

assessed in the name of the owner and at that value as of January 1. (See People ex rel Kassabaum v. Hopkins, 106 Ill. 2d 473, 476-477, 478 N.E.2d 1332, 1333 (1985). Section 9-95 of the Code provides in part:

> All property subject to taxation under this Code, including property becoming taxable for the first time, shall be listed by the proper legal description in the name of the owner, and assessed at the times and manner provided in Section 9-215 through 9-225, and also in any year that the Department orders a reassessment (to the extent the reassessment is so ordered), with reference to **amount owned on January 1 the year for which it is assessed**, including all property purchased that day. . . . [Emphasis added.] [35 ILCS 200/9-95]

Section 9-155 of the Code states in part that:

> On or before June 1 in each general assessment year in all counties with less than 3,000,000 inhabitants . . . the assessor . . . shall actually view and determine as near as practicable the value of each property listed for taxation **as of January 1, of that year** . . . . [Emphasis added.] [35 ILCS 200/9-155]

Section 9-175 of the Code provides in part that:

> The **owner of property on January 1, in any year shall be liable for the taxes of that year** . . . . [Emphasis added.] [35 ILCS 200/9-175]

Thus, the status of property for taxation and liability to taxation is fixed on January 1. People ex rel Kassabaum v. Hopkins, 106 Ill. 2d at 477.

In Rosewell v. Lakeview Limited Partnership, 120 Ill.App.3d 369, 373, 458 N.E.2d 121, 124 (1st Dist. 1983), the court also held that, unless otherwise provided by law, a property's status for purposes of taxation is to be determined as of January 1 of each year. The court noted that section 27a of the Revenue Act of 1939 (Ill.Rev.Stat.1981, ch. 120, par. 508a; now codified at 35 ILCS 200/9-175, 9-180 & 9-185) applied to status, and provides that the owner of real property on January 1 shall be liable for the taxes of that year. Lakeview Limited Partnership, 120 Ill.App.3d at 373. The court further stated that there are only two circumstances that allow change applications from the January 1 date. One circumstance deals with the situation where a property becomes taxable or exempt after January 1 and the second circumstance provides for proportionate assessments in the case of new construction or uninhabitable property. Id. at 373. (See 35 ILCS 200/9-180 & 9-185). Neither of these exceptions is applicable here.

In light of the foregoing, the Board finds that the provision effective as of January 1, 2009 known as Section 10-30 would be the applicable statutory provision for the subject property and this 2009 assessment appeal. Furthermore, the Property Tax Appeal Board finds that the lack of explicit language to address retroactive assessments mandates that Section 10-31 of the Property Tax Code applies only to those assessments established beginning January 1, 2010. This interpretation is further supported by the Appellate Court's holding in Kennedy Brothers, Inc. v. Property Tax Appeal Board, 158 Ill.App.3d 154, 510 N.E.2d 1275 (2nd Dist. 1987).

2. Application of Section 10-30

Next, the appellant has argued that Section 10-30 applies to the subject property because the 'taxpayers' were "indisputably 'developers' within the meaning of the Illinois Property Tax Code, as they held the property for purposes of financing the development of the vacant land into residential property." (Brief, p. 12) In this regard, the appellant asserts that a transfer to a developer "could not have qualified as an 'initial sale.'" (Id.) Appellant further argues the legislative intent would be best effected by not finding that an 'initial sale' had occurred under circumstances where the 'taxpayers' intended to develop the parcels and were holding the land for 'initial sale.' (Brief, pp. 12-14)

The appellant also cites the Condominium Property Act for the proposition that "a sale is not an initial sale for the purposes of this Section of the Condominium Property Act if there is not a bona fide transfer of ownership and possession of the condominium unit for the purpose of occupancy of such unit as the result of the sale . . . ." [Emphasis added.] 765 ILCS 605/22 (2010). This provision relates to the initial sale or offering for sale of any condominium unit wherein the seller must make full disclosure of, and provide copies to the prospective buyer of, the specified information relative to the condominium project.

As noted previously, the board of review contends that the January 2008 transfer referenced in this record was an 'initial sale' and thus disqualified the property from the developer's exemption for 2009. Based on this argument, the board of review requested denial of the developer's exemption to the subject parcel.

The evidence disclosed that the appellant Blair Minton was not the developer who platted and subdivided lots in the subject's subdivision. Instead, all of the platted parcels were sold by Andalusia Ventures to Country Estates @ Fancy Creek LLC in January 2008 and then, they were "simultaneously" conveyed to various 'taxpayers', including the appellant. The appellant as reflected in the PTAX-203, Illinois Real Estate Transfer Declaration, purchased the subject parcel for $179,672 in January 2008 from Country Estates @ Fancy Creek LLC. The declaration under Question 10 does not indicate, as implied in the

appellant's brief, that this was a 'sale between related individuals or corporate affiliates.' Furthermore, at hearing in opening statement, counsel for the appellant summarized the transfers as being necessitated by a financing issue, this "led to the situation where it went from Andalusia Ventures to Fancy Creek and then the individual investors, members of Fancy Creek." (TR. 10)

Section 10-30(a) of the Property Tax Code provides in pertinent part:

> The platting and subdivision of property into separate lots and the development of the subdivided property with streets, sidewalks, curbs, gutters, sewer, water, and utility lines shall not increase the assessed valuation of all or any part of the property, if:
>
> (1) The property is platted and subdivided in accordance with the Plat Act;
> (2) The platting occurred after January 1, 1978;
> (3) At the time of platting the property is in excess of 10 acres; and
> (4) At the time of platting the property is vacant or used as a farm as defined in Section 1-60. [35 ILCS 200/10-30(a)]

Sections 10-30(b) and 10-30(c) of the Code (35 ILCS 200/10-30(b) & (c)) provide:

> (b) Except as provided in subsection (c) of this Section, the assessed valuation of property so platted and subdivided shall be determined each year based on the estimated price the property would bring at a fair voluntary sale for use by the buyer for the same purpose for which the property was used when last assessed prior to its platting.
>
> (c) Upon completion of a habitable structure on any lot of subdivided property, or upon the use of any lot, either alone or in conjunction with any contiguous property, for any business, commercial, or residential purpose, or **upon the initial sale of any platted lot, including a platted lot which is vacant**: (i) <u>the provisions of subsection (b) of this Section shall no longer apply in determining the assessed valuation of the lot</u>, (ii) each lot shall be assessed without regard to any provision of this Section, and (iii) the assessed valuation of the remaining properties, when next determined, shall be reduced proportionately to reflect the exclusion of the property that no longer qualifies for valuation under this Section. . . [Emphasis added.] [35 ILCS 200/10-30(b) & (c)]

The Property Tax Appeal Board finds the evidence establishes that the appellant, who was not the original developer, was the owner

of the subject parcel as of the January 1, 2009 assessment date at issue. The evidence also discloses that the subject property sold to the appellant in January 2008. The plain and ordinary meaning of an "initial sale of any platted lot" would include the transfer of the subject property as reflected in the January 2008 Transfer Declaration filed in this record by the board of review. Therefore, the Property Tax Appeal Board finds that the board of review was correct in assessing the subject property with reference to its status as of January 1, 2009 pursuant to Section 10-30(c) of the Code and properly considered the transaction that occurred in January 2008, in determining the subject parcel was no longer entitled to the developer's exemption as it had an 'initial sale' from the original developer and actually, also had a sale from a second entity known as Fancy Creek LLC.

This interpretation of Section 10-30 of the Code is further supported by the guidance in Publication 134, Developer's Exemption Property Tax Code, Section 10-30, published by the Illinois Department of Revenue. On page 3 of Publication 134, the Department of Revenue advises in pertinent part that "if the developer sells all or a portion of the land to another developer, does the property continue to receive the preferential assessment? -- No." (Page 3) The publication asserts that 'when any sale occurs' the preferential assessment is removed.

> If the entire development is sold to another developer, then that entire development no longer qualifies for the preferential assessment. This applies even if no habitable structures have been built or the area has not been used for any business, commercial, or residential purpose.

(Publication 134 at p. 3)

On the assessment date at issue the subject property was not entitled to the preferential assessment allowed by the procedures contained within Section 10-30(b) of the Code as such preferential status was no longer applicable under Section 10-30(c) of the Code after the "initial sale of any platted lot, including a platted lot which is vacant." (35 ILCS 200/10-30(c)). Based on these facts the Property Tax Appeal Board finds the board of review did not err in assessing the subject property in accordance with its estimated market value as of January 1, 2009.

In arguing against this interpretation of 'initial sale,' the appellant's counsel points to the change in Section 10-31 which no longer includes an 'initial sale' as part of the reasons to remove a preferential assessment. However, a complete reading of the new Section 10-31 provision seems to provide for additional benefits of the preferential assessment after a sale and/or due to transfers arising out of financial hardships caused by foreclosures or transfers in lieu of foreclosure. As noted above, however, given the assessment date of January 1, 2009, Section 10-31 is inapplicable to the subject appeal and does not

override the fact that an 'initial sale' occurred regarding the subject property.

In conclusion, based on the foregoing evidence and analysis, the Property Tax Appeal Board finds the board of review correctly denied the subject parcel's preferential assessment provided by either Section 10-30 or 10-31 of the Property Tax Code (35 ILCS 200/10-30 & 10-31) for the assessment year at issue.

Overvaluation Contention

Based on the Property Tax Appeal Board's finding that the subject property was not entitled to the preferential assessment provided by Section 10-30 and/or 10-31 of the Code because of its sale in January 2008 and because of the effective date of Section 10-31, the Board will next consider the appellant's alternative argument that the subject property was overvalued.

In support of this market value argument, the appellant submitted an appraisal prepared by David Mark Nelson of Roy R. Fisher, Inc. in Davenport, Iowa with value conclusions for ten vacant lots in the Country Estates @ Fancy Creek Crossing subdivision, including the subject parcel. The ten lots being valued in the appraisal vary substantially in shape and range in size from 3.06 to 6.41-acres of land area for a total land area of 46.99± acres.

As to the development, the appraiser wrote that in October 2007, the 132.35± acres east of Fancy Creek was platted into 22 lots known as Country Estates @ Fancy Creek Crossing including what was originally Lot 7 that was replatted to become Woods Subdivision @ Fancy Creek Crossing.[5] (Page 2-A of the report). The subject lot(s) are in the Country Estates @ Fancy Creek Crossing subdivision. Nelson reported "the subdivision totals roughly 126+ acres (based on plats provided). All subdivision infrastructure (public streets, curbs and gutter, sewers, and utilities) are in place." (Id.) A marketing sign exists for the Country Estates subdivision. (Page 6-A).

Nelson testified that the subject has a distinct location disadvantage relative to competing properties in that it is more distant from population and employment centers, further from transportation routes/major linkages and is overall considerably more rural than competing properties. (TR. 38-39)

The appraiser sought to estimate the market value of the fee simple interest in the lots. The client set forth in the summary appraisal report was Attorney Tom Pastrnak, the legal representative of the appellants in these matters that were consolidated for hearing before the Property Tax Appeal Board. The appraiser wrote, "the client, Tom Pastrnak, has requested the appraisal for use in a property tax appeal, including a Property

[5] Reportedly in November 2008, Lot 7 of Country Estates @ Fancy Creek Crossing, 32.91± acres, was replatted into 10 lots and one outlot. None of these lots were the subject of this appraisal report.

Tax Appeal Board (PTAB) filing." Nelson further noted that the subject ten lots which were being appraised were owned by eight different entities. (Page 2-A). He also acknowledged that Lot 10 was improved and occupied; the home was reportedly completed after the valuation date of January 1, 2009 and improvements were not being valued in this appraisal report.

For the subject's sales history, Nelson reported that on January 30, 2008, Country Estates @ Fancy Creek LLC, "the entity that subdivided and installed the subdivision improvements, transferred the subject lots to the current ownership. According to the client, these transfers are between related entities that were part of the original development group. I found no evidence of arms length transactions involving the subject lots." (Page 2-B). Nelson testified his determination that the transaction(s) were not arm's length came from discussion(s) with the developers who explained their financing mechanism and that they were not end users. He asserted that the buyers were "part of the original development group, and this was a partitioning of that original development group among the individual developers." (TR. 32-36)

The appraiser performed a highest and best use analysis on pages 8, 8-A and 8-B of the report. In testimony, Nelson characterized the "major part of the [appraisal] analysis was a highest and best use analysis that looked at the absorption of single family lots in the competing rural Rock Island County markets." (TR. 19) As set forth in the report, Nelson concluded the highest and best use of the land both as if vacant and unimproved and as if improved was for residential development/use. Finding that sales have lagged projections, Nelson wrote, "this suggests that the subject is feasible, but that a continued slow rate of absorption relative to other more moderately priced developments is likely." (Page 8-A).[6]

Additionally, in testimony Nelson stated his primary finding was that the subdivision as it's platted is not feasible as "there is absolutely no way that a developer could recoup the costs involved in creating these lots across the absorption period based upon the current demographic growth and pricing within that market, that there's just way too many lots, and that they're not selling." (TR. 19) He further opined that the way the lots were platted, they are too big and there are "just not buyers for lots that are configured like that." (TR. 20)

The appraiser testified that the historical sales in Rock Island County were the major consideration in the feasibility of this development. "There were just so few sales across the recent past, and we were standing at a point where financing was

[6] On pages 9-A and 12, the appraiser reported that the highest and best use analysis indicated the subject development "is not feasible" because of a substantial oversupply of residential lots in the market and "as a result of this lack of feasibility, the subdivision improvements do not add to the value of the underlying land, as if vacant." This appears to be in direct contradiction to the conclusions made in the highest and best use analysis.

difficult and home sales had stopped and construction had slowed considerably. So looking at that past sales history in the market overview analysis was the primary analysis within the appraisal." (TR. 38)

Specifically, on pages 7, 7-A and 7-B, Nelson outlined his Market Overview Analysis where he considered competing proximate subdivisions and supply. The appraiser reported that the subject subdivision has "absorbed, on average, roughly one lot annually." (Page 7). Nelson analyzed the area developments for similarities and dissimilarities in lot sizes, projected home sizes, proximity, access, setting, location/trees and area amenities. Considering supply, Nelson on the page facing 7-A charted out the various developments, the year platted, the number of platted lots, the number available, a calculation of the "number of years since the lots were platted" and developed a weighted average "giving proportionally more weight to the larger developments." (Page 7-A).

To summarize the Market Overview Analysis, 496 lots have been platted since 2000 with 379 lots 'currently' available for single family development "in this larger subject market. The absorption has averaged slightly more than 25 lots per year, using the weighted average of 4.46 years available.[7] If this rate of absorption were to continue, there are enough lots available for an additional 15+ years of development." (Id.). The appraiser further reported that the Andalusia market represented only 20% of the platted lots in the market, but had 44% of the lots absorbed which suggested that it had some competitive advantage over other area developments. This fact, however, according to Nelson was offset by the weighted average age of the Andalusia subdivisions of 5.47 years longer than Milan markets closer to highway access. Also, lower priced developments were part of the Andalusia market whereas the absorption "in the three Fancy Creek Crossing developments have been at a considerably slower pace, just under five lots per year." (Id.). From the foregoing data, the appraiser concluded that absorption of the available subject lots will take more than 15 years. (Page 7-B).

As to the cost approach to value, Nelson wrote the following:

> The Cost Approach was only developed in regards to the value of subject land, as if undeveloped. A comparison to sales of development land in the suburban Illinois Quad City market was used for this analysis. There is a wide variance in construction costs for subdivisions due to differences in topography and the level of finish. These limitations inject a high degree of subjectivity into the Cost Approach analysis, rendering the value conclusions of limited reliability. Additionally, the highest and best use analysis

[7] While the discussion on page 7-A uses the figure 4.46 years, the chart on the facing page has a weighted average of 4.64 years.

> indicates the subject development is not feasible, which would require deductions for functional and external obsolescence, which would be highly subjective. Thus, the full Cost Approach was not developed.

(Page 2-B). At pages 9, 9-A, 9-B and 9-C of the appraisal report with the heading "Cost Approach to Value," there is data presented on seven comparable land sales, raw land without streets, which occurred between July 2002 and April 2006. The details of these properties are set forth in the Addenda.[8] The parcels range in size from 4.52 to 85.93–acres of land area and sold for prices ranging from $114,000 to $400,000 or from $3,385 to $37,611 per acre. Nelson noted that each of these developments require major investments in infrastructure. "The subject lots are superior to the larger tracts of raw land, being smaller with some infrastructure in place. However, the subject location is inferior to the sales, and market conditions are considerably weaker than when those sales were negotiated. This suggests a lower value." (Page 9-C).

In summary on page 9-C, Nelson noted that based on the limited evidence available, considering some discounting for time and noting that marketing time for all of the subject lots (assuming sale to an end user) is over 15 years, a rounded value of $17,500 per acre is supported or for all 46.99-acres, a market value estimate by the cost approach of $825,000, rounded.

The sales comparison approach was not applicable according to the appraiser "without an adequate number of comparable sales. Only one bulk sale of a majority of the completed lots in a development has occurred in the regional market in the past decade. This was lots along a golf course in a highly dissimilar area." (Page 2-B). This data is further discussed on page 10 of the report where Nelson wrote, "Without comparable data, a meaningful conclusion of value cannot be reached using the Sales Comparison Approach, and it has not been developed. However, sales data in the local market for individual lots is an integral part of the Income Approach to follow."

Nelson relied primarily upon the income approach to value in order to "value the complete subdivision, using a discounted cash flow analysis. The estimated offering prices for the individual lots have been based upon an analysis of comparable sales. The absorption rate is based upon market information extracted from

[8] #1 – an old residence and outbuildings will be demolished for development of a luxury residential subdivision; #2 – a small church building was removed and then subdivided for 30 duplex condominiums; #3 – purchased for the Fox Trail single family home development; #4 – purchased for The Conservancy, an environmentally conscious single family home development with 30% not suitable for development, but proposed to be a lake; #5 – marketed as the Legends of Mill Creek for development of single family homes; #6 – purchased for the Highland Place single family and duplex condominium development where 40% was wooded ravines; and #7 – a long narrow tract purchased for the construction of a Hindu Temple.

comparable sales. The discount rate is estimated based upon market information regarding returns on similar real estate developments and investments. The individual lot market values for assessment purposes (33% of the market value) were allocated from this bulk value." (Page 2-B).

The detailed income approach to value begins on page 11 of the appraisal report. Nelson reported the "subject pricing has been based on the developers projected pricing for the lots" which on average is $1.60 per square foot of land area or $69,696 per acre of land. (Page 11). "It was also noted that the subject lots are oversized for the market. The developer appears to be acknowledging this in pending marketing plans that would subdivide the subject lots. To account for this, the projected price/sq.ft. will be used, and the absorption will be estimated on a per sq.ft. basis, instead of more typical per lot basis." (Id.).

In summary, Nelson's income analysis was of 19 lots located in Country Estates @ Fancy Creek Crossing to the exclusion of Lot 10 ("sold"), Lot 15 (spec house) and Lot #7 that formed Woods subdivision (see footnote 5). The appraiser reported "asking prices" for eight of the ten parcels which were the subjects of this appraisal report ranging from $211,423 to $478,630 or $1.55 or $1.75 per square foot of land area or from $67,328 to $76,819 per acre of land area. (Facing page 11). Nelson then used the 15-year absorption period estimated in his Market Overview Analysis to sell all 19 'remaining' lots in Country Estates @ Fancy Creek Crossing. (Page 11-A). Using a discounted cash flow analysis over the 15 year period, Nelson estimated that 236,646 square feet of land area will be absorbed each year which, with the current platting, is 1.27 lots in each year of the projection. (Id.). The appraiser next deducted typical commissions of 5% and transfer costs of .50% along with developer's profit of 8%. Additional expenses for ongoing maintenance were estimated to be $200 for each remaining lot.[9] Another expense of real estate taxes said to be $3,285 per lot on average were estimated to be $1,750 per lot annually in light of the expectation of a reduction due to this tax appeal. Lastly, taxes were projected to increase at a rate of 1% annually. Since cash flows are received over time, the appraiser researched and opined that a discount rate of 20% would adequately reflect the relative risk related to selling the remaining lots in the subject subdivision.

Nelson reported that the net sales proceeds (cash flow) have been discounted to the effective date of value. The net present value was estimated to be $1,394,761 or $17,173 per acre for the remaining land or $0.39 per square foot of land area. Applying this value per acre to the 46.99 acres being appraised in this

[9] The appraiser wrote that the deduction would be $200 per remaining lot, but on the facing page in the discounted cash flow analysis the maintenance is reported to be $300 per remaining lot.

assignment resulted in a value estimate of $806,959 or $800,000, rounded. (Page 11-B).

In his final reconciliation, the appraiser reiterated a cost approach, for the undeveloped land only, of $825,000 and the income approach to value for the "bulk value of the finished lots" of $800,000. Nelson estimated the finished lots to be valued at the raw land value of $17,500 per acre which also recognizes the "long marketing period projected to absorb the subject lots." (Page 12). On page 12-A, the appraiser reported that the subject lot, Lot 18, has an estimated market value of $53,550 based on $17,500 per acre of land or $0.40 per square foot of land area.

In summarizing his market value conclusion, Nelson testified that "based upon the analysis showing that the subdivision was not feasible" the land value would revert to the value of the raw underlying land, the highest and best use, to hold for future development. (TR. 29)

Also presented by the appellant in this appeal was a copy of a 19-page Restricted Use Appraisal Report of the "Fancy Creek Residential Subdivision" prepared by Nelson and dated November 16, 2009. Again the client was identified as Attorney Tom Pastrnak and the interest valued was fee simple. Herein, Nelson described the subject as "a group of 21 lots in a 32 lot subdivision." Exposure time suggested was over three years for any one lot with an estimated marketing time of three years. "The effective marketing time for all of the subject lots, assuming a sale to an end user, is well over 10 years."

In conclusion, in this Restricted Use Appraisal Report as of the January 1, 2009 assessment date, Nelson found in pertinent part:

> Based on the limited evidence available, it is my opinion that the overall market value of these individual lots is $20,000/acre. It is noted that the marketing time for all of the subject lots, assuming a sale to an end user, is well over 10 years.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment.

On cross-examination, Nelson was asked about his ability as a commercial real estate appraiser to appraise the subject residential parcel(s). The witness asserted that the subject was a subdivision requiring subdivision analysis, a complex analysis of market absorption and costs involved in putting subdivision improvements in, so he does consider this to be a commercial appraisal of a type he regularly does probably half-a-dozen times a year or more. (TR. 40)

In terms of this appraisal assignment, Nelson characterized the feasibility analysis as one of the tests of highest and best use and in this case it became a substantial component of the

appraisal. "Feasibility of a single-family house is not typically a component of value or a financial component of that value, but for subdivision analysis, it's a major component of value." (TR. 41) The witness also expounded on his prior testimony regarding the lot configurations noting that as part of feasibility, the subject lots were substantially larger in the platting than competing lots resulting in a different intended market, an estate type purchaser. "I just don't see us having a market out there for those kind of buyers that we need 50 lots or 35 lots." (TR. 42-43)

Nelson stated that his final estimate of value of $825,000 on page 12 in the cost approach considered undeveloped land values only. (TR. 45) As to the sales comparison approach, the witness clarified that it was not used because "there wasn't enough sales of multi-lot sales, finished subdivisions and multi-lot sales to use for a comparison." (TR. 45) Nelson reiterated that the comparison he used were raw land, but he asserted that he did not provide any cost data to bring that raw land into a subdivision with its infrastructure such as roads because "the further test in the income approach proved that that expense would not be recaptured through the sale of the lots, so it wouldn't be feasible." (TR. 45-46) The appraiser contended that any additions for infrastructure would have been removed from the analysis as external obsolescence. (TR. 46)

The appraiser acknowledged that as of January 1, 2009, the subject parcel(s) had roads, curbs and gutters, so that his comparables in reality were not comparable to the subject property(s), "they were not in the same state of completion." (TR. 46)

The witness was asked about the chart representing his Residential Lot Survey on facing page 7 of the appraisal and why that data was not used to perform a sales comparison approach. Nelson stated he "did use it to establish the selling prices for those lots or confirm the selling prices for those lots in the income approach, but the marketing time to absorb these lots into the market would be so long, and there needs to be some time value of money consideration." (TR. 47)

Nelson acknowledged that the subject appraisal report was of the type that should have been requested prior to the developing of the subdivision and installation of the infrastructure. (TR. 50-51) In addressing this dichotomy of a developed subdivision and his lack of feasibility determination/valuation, Nelson stated in pertinent part:

> It would be a mistake for me to have looked at an individual lot here without acknowledging the universal lots that were available and the other alternatives that a buyer and seller would have in that market and that I have to – when I was initially asked to look at this, I was asked to look at – well, the initial appraisal was for 10 lots, wasn't it? So yeah.

> Multiple lots like that for financing, I'm obligated under FIRREA to do a discounting, and I think that that same thinking is applicable in an evaluation for other uses. But I need to be aware of the universal lots that are available.

(TR. 51-52)

During re-direct examination, Nelson expounded on his use of sales to arrive at a cost approach, but his determination that he could not perform a sales comparison approach to value as follows:

> I was asked to value multiple lots. What I have is only one sale of multiple lots, and at the time I was valuing, looking at a subdivision where 19 lots were present and I have 10 of them, I have one sale in my market of multiple lots in a subdivision that was comparable, and it was in a substantially different market. Subsequent to that, I've had one other one of that nature. So the – making a valuation of multiple lots through a sales comparison approach is – there's just no data available to do that.

(TR. 58) The appraiser further testified that his cost approach to value was a land value estimate, as if undeveloped, based upon comparable sales of raw undeveloped land. (TR. 58)

In support of the subject's estimated market value based on its assessment, the board of review submitted a spreadsheet of 31 "lot sales in subdivisions in Rock Island County" including the four properties for which this consolidated hearing was held. (Exhibit 5) The parcels range in size from 0.220 to 32.91-acres of land area. The sales occurred between February 2006 and December 2008 for prices ranging from $44,500 to $1,511,726 or from $23,995 to $307,971 per acre or from $0.55 to $7.07 per square foot of land area. As shown on the spreadsheet and testified to by Wilson, the median sales price based on this data was $58,844 per acre or $1.35 per square foot of land area.

The subject's total land assessment of $59,654 reflects a market value of approximately $179,303 or $58,596 per acre of land area or $1.35 per square foot of land area using the 2009 three-year median level of assessments for Rock Island County of 33.27%. (86 Ill.Admin.Code §1910.50(c)(1)).

As to the appellant's evidence, the board of review noted case law indicates that market data is the preferred method of valuing property and, also, appraisals which exclude the sales comparison approach when market data is available are insufficient as a matter of law to challenge the correctness of an assessment. (See Exhibit 4) Citing Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989); Cook County Board of Review v. Illinois Property Tax

Appeal Board, 384 Ill.App.3d 472 (1st Dist. 2008), *opinion supplemented on denial of reh'g* (9-8-08).

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

During cross-examination, Wilson acknowledged the appellant's appraiser arrived at a median square foot sale price of $1.55 in his appraisal report. (TR. 64) The witness also affirmed that the sales presented by the board of review were deemed to be arm's length transactions based upon review of the Illinois Real Estate Transfer Declarations (PTAX-203). (TR. 69)[10]

Wilson also reiterated that the comparable sales presented were completed subdivisions with infrastructure in-place whereas appraiser Nelson determined a value for vacant raw land. The witness asserted that his duty under the Illinois Constitution is to value like property with like property. (TR. 89)

As written rebuttal, the appellant submitted a two-page letter prepared by appraiser David Mark Nelson. The appraiser contended that the board of review's spreadsheet of sales included 11 sales within the subject development which were not arm's length transactions as they occurred between related parties and should not be factored into a sales analysis. In addition, the average lot size including the 11 parcels in Fancy Creek Crossing is 2.834-acres, but drops to 0.707 of an acre of land area when the Country Estates @ Fancy Creek Crossing lots are removed from the data set. Nelson contends that given the size of the subject lots, the value should be well below the range of the comparable data.

In addition, Nelson contends that the spreadsheet alone does not allow for any qualitative analysis such as the subject's inferior location. Lastly, the appraiser contends that his report demonstrated that the subject development was not feasible, with little, if any, demand present. "This results in their [*sic*] being no value in the lots above the raw land value. This demonstrated lack of feasibility further supports the lack of comparability between the subject lots and lots in developments that are feasible."

After hearing the testimony and considering the record on the market value argument, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted.

As an alternative to the developer's exemption of the Code, the appellant argued that the subject's assessment was not reflective

[10] Appellant's counsel also questioned the accuracy/reasons for completion of PTAX-203 forms by parties to a transaction. (TR. 69-70) The Property Tax Appeal Board notes that the Step 4 verification of the PTAX-203 includes, in pertinent part, that "Any person who willfully falsifies or omits any information required in this declaration shall be guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for subsequent offenses." (See PTAX-203, Step 4 documents in the record).

of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant has not overcome this burden.

Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill. 2d 428 (1970).

The appellant submitted an appraisal of multiple parcels within the development, including the subject property, with a final value conclusion for Lot 18 of $53,550 or $17,500 per acre or $0.40 per square foot of land area. There are three methods used to evaluate property: (1) the comparison or market approach which focuses on sales of comparable property; (2) the income approach which is used when the property is most valuable as rental property; and (3) the reproduction or replacement cost method which focuses on what it would cost to recreate real property with the same value. Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill. App. 3d 9, 14 (5th Dist. 1989).

Initially, the Property Tax Appeal Board finds the appellant's appraiser's final opinion of value was not credible and understated the value of the subject parcel(s). The appraiser considered raw land sales to arrive at values for parcels that have already been improved with roads, curbs and gutters. The Board finds further the Nelson appraisal report has numerous internal inconsistencies which undermine the credibility of the ultimate opinion of value.

Additionally, the Board finds the discounted cash flow analysis developed to demonstrate the value of the property through the sale of 19 parcels in the Country Estates @ Fancy Creek Crossing subdivision over a 15-year absorption period so as to demonstrate the value of ten individual parcels was too speculative to be given any weight. Moreover, the appraiser by relying on a discounted cash flow analysis with an absorption period of 15 years for all 19 lots in the subdivision essentially allocated a market value among the ten parcels that were to be valued for this appraisal assignment. Additionally, the appraiser's data on the discounted cash flow analysis presented inconsistent deductions for maintenance expenses; if the higher figure were

used as shown in the charts, this would result in increased expenses over time.

In Cook County Board of Review v. Illinois Property Tax Appeal Board, 384 Ill.App.3d 472, 894 N.E.2d 400 (1st Dist. 2008), *opinion supplemented on denial of reh'g* (9-8-08) [herinafter referred to as "Omni"], the court's original opinion broadly declared that "[w]here the correctness of the assessment turns on market value and there is evidence of a market for the subject property, a taxpayer's submission that excludes the sales comparison approach in assessing market value is insufficient as a matter of law." Omni, 384 Ill.App.3d at 487. Appraiser Nelson in this report and in his testimony acknowledged that there were sales, but he refused to use the sales data because the sales were not of multiple-lot properties. (TR. 58) In light of the court's holding in Omni, the appraiser's report is insufficient as a matter of law to challenge the instant assessment. Moreover, there is no dispute that the appraisal assignment was to value ten individually-owned parcels. The appraiser's primary analysis, however, seems to have treated the valuation assignment as a bulk transaction which arrives at a value conclusion for all of the 19 parcels within the subdivision and then allocates a value to the individual parcels, regardless of differences in size and/or any other features.

In addition, inexplicably the "client" for this appraisal assignment was the attorney of record for these assessment appeals, not the eight owners of the parcels which were being appraised. The Property Tax Appeal Board finds that all of these foregoing factors and considerations make the appraisal report unreliable and, in conjunction with the appraiser's testimony at hearing, lead to a determination that the appraisal is not a credible and/or reliable indicator of the estimated market value of the subject parcel on appeal.

In contrast, the board of review submitted a spreadsheet of 31 sales. The spreadsheet includes the four properties for which this consolidated hearing was held along with other parcels that were also sold in February 2008 within Country Estates @ Fancy Creek Crossing. (Exhibit 5) All of the parcels presented range in size from 0.220 to 32.91-acres of land area. The sales occurred between February 2006 and December 2008 for prices ranging from $44,500 to $1,511,726 or from $23,995 to $307,971 per acre or from $0.55 to $7.07 per square foot of land area. The reported median sales price of these 31 properties in subdivisions in Rock Island County was $58,844 per acre or $1.35 per square foot of land area.

The appellant's appraiser criticized the inclusion of the sales of properties within County Estates @ Fancy Creek Crossing, including the transactions that relate to the parcels on appeal in this consolidated hearing, contending that these were sales between related parties and not arm's length transactions. The board of review contends, in essence, that the PTAX-203 related to these transactions did not identify that the parties were

related. Thus, by the recorded documents all of the transactions were deemed to be valid arm's length sales. The Property Tax Appeal Board further finds that while there is no indication that the parties were related on the applicable PTAX-203 filings, each document is marked that the property was not advertised for sale.

Thus, accepting the appellant's contention that the nine sales within Country Estates @ Fancy Creek Crossing that occurred in February 2008 should not be included as representative of fair cash value or fair market value, the Property Tax Appeal Board finds that the median sale price of the remaining 22 lot sales is approximately $152,473 per acre or $3.50 per square foot of land area. These 22 lots range in size from 0.220 to 2.072 acres of land area, which as noted by Nelson, are considerably smaller than the subject parcels, which suggests that the subject's per-acre and/or per square foot value would be considerably less than the sale prices of these smaller parcels. The board of review's analysis arrived at a median sale price of $58,844 per acre or $1.35 per square foot of land area, which is considerably less than the median sale price of these smaller properties on a per-acre or per square foot price. The subject's land assessment of $59,654 reflects a market value of approximately $179,303 or $58,596 per acre of land area or $1.35 per square foot of land area which is substantially less than the sale prices of these 22 smaller lots in the board of review's evidence. The Board finds the sales in the record demonstrate that the subject's assessment was reflective of the property's market value as of January 1, 2009.

In conclusion, the subject parcel was not entitled to a preferential assessment under either Section 10-30 or 10-31 of the Property Tax Code (35 ILCS 200/10-30 & 10-31) for the assessment year at issue and based on this record the Board finds a reduction in the subject's assessment is not justified on grounds of overvaluation.

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

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: August 28, 2012

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.