



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

APPELLANT: Richard & Jane Duft
DOCKET NO.: 09-02074.001-R-1
PARCEL NO.: 13-2-21-09-04-403-014

The parties of record before the Property Tax Appeal Board are Richard & Jane Duft, the appellants, and the Madison 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 **Madison** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$17,920
IMPR.: \$63,610
TOTAL: \$81,530

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with an 11-year old, two-story single-family dwelling of frame and masonry construction containing 2,532 square feet of above-grade living area with a full, partially finished, basement. The home also features central air conditioning, a fireplace, and a two-car garage of 647 square feet of building area. The property is located in Maryville, Collinsville Township, Madison County.

The appellants' appeal is based on overvaluation of the subject property. In support of this market value argument, the appellants submitted information on three sales comparables located within 1-mile of the subject and two of which are located in the same neighborhood code assigned by the assessor as the subject property. The comparables are improved with two-story frame and masonry dwellings that were 12 or 14 years old. The comparables range in size from 1,741 to 2,611 square feet of above-grade living area. Each comparable is said to have a basement, two of which include finished area, central air conditioning, a fireplace, and garages ranging in size from 483 to 630 square feet of building area. The sales occurred from April 2007 to April 2008 for prices ranging from \$164,850 to

\$247,500 or from \$94.69 to \$97.80 per square foot of above-grade living area including land. The evidence further revealed that the appellants did not file a complaint with the board of review, but filed an appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor which increased the total assessment of the subject property from \$81,530 to \$86,250. The notice indicated that the equalized assessment reflected a market value of \$258,750. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment to \$81,530, the pre-equalized assessment, or a market value of approximately \$244,590.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of the subject totaling \$86,250 was disclosed. The subject's assessment reflects an estimated market value of \$258,621 or \$102.14 per square foot of above-grade living area including land using the 2009 three-year median level of assessments for Madison County of 33.35%.

In support of the subject's assessment, the board of review presented descriptions and sales data on three comparable properties. Comparable #3 was the same property as appellants' comparable #1. The board of review also reports that its comparables #1 and #2 are on the same block as the subject property. The comparables consist of a part one-story and part two-story and two, two-story frame and masonry dwellings that range in age from 5 to 11 years old. The dwellings range in size from 1,643 to 2,611 square feet of above-grade living area. Each comparable has a basement, two of which include finished area, central air conditioning, a fireplace, and garages ranging in size from 658 to 906 square feet of building area. The board of review reports four sales for these three properties as comparable #1 sold both in August 2006 and August 2010 for prices of \$193,000 and \$207,500 or for \$106.10 and \$114.07 per square foot of above-grade building area including land. The other two comparables sold in April and June 2007 for prices of \$213,000 and \$247,500 or \$129.64 and \$94.79 per square foot of above-grade living area, respectively. 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 warranted.

The appellants contend the assessment of the subject property is excessive and not reflective of its 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). The Board finds the evidence in the record supports a reduction in the subject's assessment.

The parties submitted a total of five comparable sales for the Board's consideration. The Board has given less weight to appellants' comparable #2 and board of review comparables #1 and #2 primarily due to the smaller amount of above-grade living area from the subject. The Board finds appellants' comparables #1 and #3, one of which is also board of review comparable #3, were most similar to the subject in size, design, exterior construction, and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold in April and May 2007 for prices of \$199,900 and \$247,500 or \$94.79 and \$97.80 per square foot of above-grade living area including land. The subject's assessment reflects a market value of approximately \$258,621 or \$102.14 per square foot of above-grade living area including land, which is above the most similar comparable sales on this record on a per-square-foot basis. Thus, based upon the evidence submitted, the Board finds that a reduction in the subject's assessment is supported.

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.

Donald R. Cuit

Chairman

[Signature]

Member

Member

[Signature]

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: September 23, 2011

[Signature]

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.