



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

APPELLANT: Kevin A. & Kyusoon DePew  
DOCKET NO.: 09-02159.001-R-1  
PARCEL NO.: 17-2-20-04-10-102-013

The parties of record before the Property Tax Appeal Board are Kevin A. & Kyusoon DePew, 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:** \$10,560  
**IMPR.:** \$51,070  
**TOTAL:** \$61,630

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a single-family dwelling located in Madison County, Illinois. The dwelling was described as a tri-level of frame and brick exterior construction that was built in 1972. The home contains 3,037 square feet of living area and features a partial finished basement, two fireplaces, central air conditioning and a two-car garage.

On the Residential Appeal form, the appellants marked as the basis of this appeal "comparable sales." In supported of this contention, the appellants submitted four packets of evidence on four properties, three of which included sales data. The comparable homes are similar in age to the subject. Each is a brick dwelling with central air conditioning and a garage. Two comparables have basements, one has a crawl-space foundation and one has no basement. The homes range in size from 1,024 to 3,037 square feet of living area. Three of the homes sold between April 2000 and November 2005 for prices ranging from \$123,000 to \$153,000. The evidence further revealed that the appellants did not file a 2009 assessment complaint with the board of review, but filed this appeal directly to the Property Tax Appeal Board

following receipt of the notice of an equalization factor.<sup>1</sup> Based on the evidence, the appellants requested a reduction in the subject's assessment to \$61,500 which would reflect a market value of approximately \$184,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$64,190 was disclosed. After reviewing the appellants' evidence, the board of review agreed to reduce the subject's 2009 assessment by the amount of increase caused by the application of the equalization factor or to \$61,630.

The appellants were notified of this suggested agreement and given thirty (30) days to respond if the offer was not acceptable. The appellants responded to the Property Tax Appeal Board by the established deadline rejecting the board of review's proposed assessment and noting that a "recent" realtor review reflected a lower market value than reflected by the 2009 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 appellants argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds based upon the evidence submitted, a reduction in the subject's 2009 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 2009 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)). (Emphasis added.)

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<sup>1</sup> The notice dated February 19, 2010 increased the subject property's assessment from \$61,630 to \$64,190 based on the application of a Nameoki Township equalization factor of 1.0416.

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 (4<sup>th</sup> 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

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 19, 2011

*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.