



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

APPELLANT: Steven & Lisa Todt
DOCKET NO.: 09-02300.001-R-1
PARCEL NO.: 10-2-16-34-03-303-023

The parties of record before the Property Tax Appeal Board are Steven & Lisa Todt, 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: \$18,190
IMPR.: \$74,200
TOTAL: \$92,390

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story brick and frame dwelling containing 3,022¹ square feet of living area that was built in 1995. Features include a full basement with 800 square feet of finished area, central air conditioning, a fireplace and a 682 square foot attached garage. The dwelling is situated on approximately 15,000 square feet of land area. The subject property is located in Pin Oak Township, Madison County.

The appellants submitted evidence before the Property Tax Appeal Board claiming both overvaluation and assessment inequity as the bases of the appeal. In support of these arguments, the appellants submitted photographs, parcel information sheets and a grid analysis of four suggested comparables. Comparables 1 through 3 are located four or five miles from the subject while comparable 4 is located two blocks from the subject. The

¹ The appellants reported the subject dwelling contains 3,242 square feet of living area, but submitted no evidence to support this claim. The subject's property record card that was submitted by the board of review contained a schematic drawing of the dwelling showing 3,022 square feet of living area. Based on this record, the Board finds the subject dwelling contains 3,022 square feet of living area.

comparables consist of two-story dwellings of brick and frame exterior construction. The dwellings were built from 2002 to 2007. Comparables 1 through 3 have unfinished basements and comparable 4 has a full basement with 600 square feet of finished area. Other features include central air conditioning, one fireplace and garages that range in size from 460 to 638 square feet. The dwellings range in size from 2,912 to 3,472 square feet of living area and are situated on lots that contain 11,500 or 15,000 square feet of land area. Comparables 1 through 3 sold from May 2009 to October 2009 for prices ranging from \$257,000 to \$267,876 or from \$84.40 to \$91.35 per square foot of living area including land.

The appellants utilized comparable 4 to demonstrate the subject property was inequitably assessed. It had an improvement assessment of \$70,500 or \$20.31 per square foot of living area. The Board takes notice that the other three comparables submitted by the appellants have improvement assessments ranging from \$74,190 to \$88,340 or from \$24.37 to \$30.34 per square foot of living area. The subject property had an improvement assessment of \$79,420 or \$26.28 per square foot of living area.

The evidence further revealed that the appellants did not file a 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, which increased the subject's assessment from \$92,390 to \$98,890. Based on this evidence, the appellants requested the Board remove the amount of assessment increase caused by the application of equalization factor or a final assessment of \$92,390.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$98,890 was disclosed. The subject's assessment reflects an estimated market value of \$296,522 or \$98.12 per square foot of living area including land using Madison County's 2009 three-year median level of assessments of 33.35%.

In support of the subject's assessment, the board of review submitted property record cards and an analysis of three suggested comparable sales. The board of review argued there have only been two recent sales of two-story homes within the subject's subdivision, but acknowledged they occurred in 2010.

Comparables 1 and 2 are located within the subject's subdivision. The proximate location of comparable 3 was not disclosed, but the board of review indicated it was located in the "area" of appellants' comparables 1 and 3. The comparables consist of two-story dwellings of brick and frame exterior construction that were built in 2002 or 2004. Comparables 1 and 3 were reported have unfinished basements and comparable 2 as having a full basement with 788 square feet of finished area. Other features include central air conditioning, one fireplace and garages that range in size from 552 to 973 square feet. Comparable 2 has a swimming pool and deck. The dwellings range in size from 2,444

to 2,715 square feet of living area and are situated on lots that contain from 8,771 to 47,056 square feet of land area. The comparables sold from April 2008 to June 2010 for prices ranging from \$278,390 to \$325,000 or from \$112.71 to \$119.71 per square foot of living area including land.

The board of review made negative adjustments to comparable 2 totaling \$28,983 due to its swimming pool and finished basement, resulting in an adjusted sale price of \$296,017 or \$109.03 per square foot of living area including land. The adjustment amounts were taken from the property record card using the replacement costs new.

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

In rebuttal, the appellants argued board of review comparable 3 sold in April 2008, prior to market conditions deteriorating. The appellants argued comparables 1 and 3 sold in 2010, which are not representative of the market for 2009. The appellants also submitted information from Zillow.com internet website for board of review comparables 1 and 3 indicating the dwellings have finished basements. The appellants argued that the sales occurring in 2009 are more relevant in determining the subject's market value as of the January 1, 2009 assessment date.

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 argued the subject property is overvalued. When market value is the basis of the appeal, the value 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); 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 the appellants have overcome this burden of proof.

The record contains six suggested comparable sales for the Board's consideration. The Board gave less weight to the comparables submitted by the board of review. First, the comparables sold in 2008 or 2010, less proximate to the subject's January 1, 2009 assessment than the similar comparables submitted by the appellants. Additionally, the comparables offered by the board of review are smaller and less similar in size to the subject than the comparables submitted by the appellants. All the comparables submitted by the board of review have finished basements, unlike the subject. Comparable 2 submitted by the board of review has a considerably larger lot when compared to the subject. Finally, the Board gave no weight to the adjustment amounts made to comparable 2 submitted by the board of review due to its finished basement and swimming pool. The adjustments were based on the components' purported replacement costs new. The

Board finds the record contains no corroborating evidence to show that the adjustment amounts are supported by value in exchange fee simple market transactions.

The Board finds the three comparable sales submitted by the appellants are more similar when compared to the subject in age, size, design, features and land area. The Board recognized these comparables are located four or five miles from the subject, similar to board of review comparable 3. These comparables sold more proximate to the subject's January 1, 2009 assessment date or from May 2009 to October 2009 for prices ranging from \$257,000 to \$267,876 or from \$84.40 to \$91.35 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$296,522 or \$98.12 per square foot of living area including land, which falls above the range established by the most similar comparable sales contained in this record. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessed valuation is warranted commensurate with the appellant's assessment request.

The appellants also argued unequal treatment in the assessment process. The Illinois Supreme Court has held that 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). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction.

After reviewing the evidence in this record and considering the subject's assessment reduction granted based on the appellants' overvaluation claim, the Board finds the subject property is uniformly assessed and no further reduction is warranted based on the principals of uniformity.

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

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: December 21, 2012

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.