



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

APPELLANT: Richard Ivnik  
DOCKET NO.: 09-02435.001-R-1  
PARCEL NO.: 13-2-21-10-04-404-005

The parties of record before the Property Tax Appeal Board are Richard Ivnik, the appellant; 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:** \$10,090  
**IMPR.:** \$50,020  
**TOTAL:** \$60,110

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story brick and frame dwelling containing 1,856<sup>1</sup> 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 10,938 square feet of land area. The subject property is located in Collinsville Township, Madison County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted Multiple Listing Service sheets and a grid analysis of three suggested comparable sales located two or three blocks from the subject. The comparables consist of two-story dwellings of frame or brick and frame exterior construction. The dwellings were built from 1991 to 1994. The comparables have finished basements that

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<sup>1</sup> The appellant reported the subject dwelling contains 2,656 square feet of living area. The subject's property record card that was submitted by the board of review contained a schematic drawing of the dwelling showing 1,856 square feet of above grade living area. Based on this record, the Board finds the subject dwelling contains 1,856 square feet of above grade living area.

contain from 600 to 859 square feet. Other features include central air conditioning, one fireplace and two-car garages. The dwellings were reported to range in size from 2,415 to 2,688 square feet of living area. The dwellings are reported to be situated on lots that contain from 10,400 to 12,445 square feet of land area. The comparables sold from April to October of 2009 for prices ranging from \$148,000 to \$173,000 or from \$55.06 to \$68.32 per square foot of living area including land.

The evidence further revealed that the appellant 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 \$60,110 to \$63,580. Based on this evidence, the appellant requested the Board remove the amount of assessment increase caused by the application of equalization factor or a final assessment of \$60,110.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$63,580 was disclosed. The subject's assessment reflects an estimated market value of \$190,645 or \$102.72 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 comparables are located within the subject's subdivision. The comparables consist of a one and one-half story and two, two-story dwellings of brick and frame exterior construction. The dwellings were built from 1987 to 1996. One comparable has a partial finished basement and two comparables have unfinished basements. Other features include central air conditioning and garages that range in size from 400 to 682 square feet. Two comparables have a fireplace. The dwellings range in size from 1,515 to 1,812 square feet of living area and are situated on lots that contain from 10,400 to 14,190 square feet of land area. The comparables sold from April to October of 2009 for prices ranging from \$161,500 to \$186,000 or from \$102.57 to \$106.60 per square foot of living area including land. 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.

As an initial matter, the Property Tax Appeal Board finds the appellant inappropriately included below grade or finished basement area in the overall amount of total living area for the suggested comparables, as shown on their associated Multiple Listing Service sheets. The Board finds accepted real estate valuation methodology provides that only above grade finished space is calculated in the total amount of living area for a particular property. Finished

basements are considered an amenity or feature for valuation, assessment and comparison purposes. As a result, the Board finds the comparables submitted by the appellant range in size from 1,736 to 2,088 square feet of living. Based on the corrected dwelling sizes, the comparables had sale prices ranging from \$70.88 to \$99.65 per square foot of living area including land.

The appellant 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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the evidence has overcome this burden.

The record contains six suggested comparable sales for the Board's consideration. The Board gave less weight to comparable 3 submitted by the board of review due to its dissimilar one and one-half story design and smaller dwelling size when compared to the subject. The Board finds the five remaining comparables are more similar when compared to the subject in location, design, size, age and features. These comparables sold from April to October of 2009 for prices ranging from \$148,000 to \$186,000 or \$70.88 to \$102.65 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$190,645 or \$102.72 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.

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

*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.