



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

APPELLANT: Martin & Nancy Spina
DOCKET NO.: 09-02470.001-R-1
PARCEL NO.: 14-2-15-34-20-402-005

The parties of record before the Property Tax Appeal Board are Martin & Nancy Spina, 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: \$17,130
IMPR: \$144,450
TOTAL: \$161,580

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 22,800 square feet of land area is improved with a one and one-half-story single family dwelling of brick and frame exterior construction that contains 2,800 square feet of living area. The home was built in 2003 and has a full unfinished basement, central air conditioning, a fireplace and a three-car garage. The property is located in Glen Carbon, Edwardsville Township, Madison County.

The appellants claim overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal prepared by Orren Eberhart who opined a fee simple market value for the subject. The appraiser used both the cost and sales comparison approaches to value to estimate the market value of the subject property at \$365,000 as of March 2, 2010.

Under the cost approach, the appraiser estimated the subject's land value at \$75,000 "based on market." Using the Marshall & Swift cost data and "local information," the appraiser determined a replacement cost new for the subject dwelling including the basement and garage with amenities of \$305,160. The appraiser reported the subject dwelling was built in 2003, but had an

effective age of 3 years. Physical depreciation of \$15,258 was calculated due to normal wear and tear resulting in a depreciated value of improvements of \$289,902. Next, a value for site improvements of \$15,000 was added. Thus, under the cost approach, the appraiser estimated a market value of \$379,900, rounded, for the subject.

Under the sales comparison approach, the appraiser used sales of three comparable homes which were located between 0.09 and 1.64 miles from the subject property. The comparables consist of a one and one-half-story and two, two-story dwellings of brick and frame exterior construction which were from 6 to 18 years old. The comparables ranged in size from 2,505 to 4,000 square feet of living area. Each of the comparable properties had a full 50% or 100% finished basement, central air conditioning, one or two fireplaces, and a three-car garage. The comparables sold between June and August 2009 for prices ranging from \$360,000 to \$410,000 or from \$102.50 to \$151.70 per square foot of living area including land. In comparing the comparable properties to the subject, the appraiser made adjustments for age, dwelling size, basement finish, number of fireplaces, and other amenities. The analysis resulted in adjusted sales prices for the comparables ranging from \$350,020 to \$383,400 or from \$91.00 to \$153.05 per square foot of living area land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$365,000 or \$130.36 per square foot of living area including land.

In his final reconciliation, the appraiser concluded an estimate of value of \$365,000 as the sales comparison approach is the better indicator of value and is supported by the cost approach.

The evidence further revealed that the appellants filed the appeal directly to the Property Tax Appeal Board following receipt of the notice of a township equalization factor issued by the board of review increasing the assessment from \$161,580 to \$166,740.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final equalized assessment of \$166,740 was disclosed. The subject's assessment reflects a market value of approximately \$500,220 or \$178.65 per square foot of living area. The board of review further indicated in its submission that a certificate of error was issued as to the 2009 assessment reducing it to \$153,880, which is below the subject's pre-equalized assessment. In light of the issuance of the certificate of error, the board of review requested the appeal be dismissed.

The appellants responded to the board of review's dismissal request indicating the appeal should be decided based on the appraisal as the adjusted assessment was due to an error in the total square footage. In their original appeal, the appellants requested a total assessment reduction to \$116,666 or a market value of approximately \$350,000.

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. Based upon the evidence submitted, the Board finds that a reduction in the subject's assessment is supported. However, the record indicates that the appellants appealed the assessment directly to the Property Tax Appeal Board based on notice of a township equalization factor issued by the board of review. Since the appeal was filed after notification of an equalization factor, the amount of relief that the Property Tax Appeal Board may 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).

Additionally, section 16-180 of the Property Tax Code (35 ILCS 200/16-180) 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.

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 (4th 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 township equalization factor.

The evidence in the record further indicated that subsequent to the notice of final decision issued by the board of review a Certificate of Error was issued reducing the assessment to \$153,880, which is less than the subject's pre-equalized assessed value.¹ Nevertheless, this Board has limited jurisdiction in

¹ The Property Tax Appeal Board takes notice that the Attorney General of the State of Illinois has asserted that a county board of review may not alter an assessment once its decision has been properly appealed to the Property Tax

this appeal and has no authority to reduce the subject's assessment beyond the pre-equalized amount.

Appeal Board, nor may it alter an assessment by certificate of error or by any other procedure after the Property Tax Appeal Board has rendered its decision. 1977 Ill.Atty.Gen.Op. 188 (October 24, 1977), 1977 WL 19157 (Ill.A.G.).

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

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: July 22, 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.