



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

APPELLANT: Christopher Petri
DOCKET NO.: 09-02771.001-R-1
PARCEL NO.: 10-2-16-18-05-101-042

The parties of record before the Property Tax Appeal Board are Christopher Petri, the appellant, by attorney Christopher Byron of Byron, Carlson, Petri & Kalb, LLC, Edwardsville; and the Madison County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$20,400
IMPR.: \$66,100
TOTAL: \$86,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story frame and brick dwelling that contains 2,510 square feet of living area. The dwelling was constructed in 2005. Features include a full unfinished basement, central air conditioning, a fireplace and an attached 440 square foot garage. The improvements are situated on approximately 11,562 square feet of land area. The subject property is located in Pin Oak Township, Madison County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board through legal counsel claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted parcel information sheets, Multiple Listing Service (herein after MLS) sheets and a grid analysis of four suggested comparable properties. Based on the data gleaned from MLS sheets, the appellant indicated the comparables consist of two-story dwellings of frame and brick exterior construction that are 4 to 6 years old. The comparables are located from .06 to .33 of a mile from the subject. Comparables 1 and 4 have full unfinished basements and comparables 2 and 3 have full, partially

finished basements. Other features include central air conditioning, one fireplace and two or three-car garages. The dwellings range in size from 2,751 to 3,283 square feet of living area. Appellant's counsel provided the lot dimensions of the comparables, but did not calculate their lot sizes. Comparables 1 through 3 sold from May 2008 to December 2010 for reported sale prices ranging from \$275,000 to \$305,000 or from \$91.99 to \$99.96 per square foot of living area including land. Comparable 4 was listed for sale as of December 16, 2010 for \$299,900 or \$105.75 per square foot of living area including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$80,820, which reflects an estimated market value of \$242,460.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$86,500 was disclosed. The subject's assessment reflects an estimated market value of \$259,370 or \$103.34 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 a revised market analysis of the same four suggested comparables that were submitted by the appellant with corrections to some of the descriptive and sales information.

Based on the property record cards, the subject is described as a two-story dwelling containing 2,510 square feet of living area that was built in 2005. The subject dwelling features a full unfinished basement, central air conditioning, one fireplace and a 400 square foot attached garage.

The comparables consist of two-story dwellings of frame and brick exterior construction that were built from 2004 to 2006. The comparables are located from .06 to .33 of a mile from the subject. Comparables 1, 2 and 4 have unfinished basements that range in size from 1,274 to 1,370 square feet. Comparable 3 has a 1,377 square foot basement that contains 900 square feet of finished area. Other features include central air conditioning, one fireplace and garages that range in size from 528 to 643 square feet. The dwellings range in size from 2,390 to 2,680 square feet of living area. Like the appellant, the board of review did not calculate the properties' lot sizes. The comparables sold from May 2008 to March 2011 for sale prices ranging from \$275,000 to \$308,000 or from \$106.34 to \$128.87 per square foot of living area including land.

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

In rebuttal, appellant's counsel argued the board of review did not present any new evidence to support its assessment, but simply challenges the comparables used by the appellant. The

appellant's counsel argued the only challenge was the square footage of the comparables; however, the sizes of the comparables come directly from the MLS listings.

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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellant has not overcome this burden of proof.

The Property Tax Appeal Board finds the parties submitted the same four comparables to support their respective positions regarding the subject's correct assessment. The Board gave less weight to the analysis submitted by the appellant. Based on the property record cards submitted by the board of review, the Board finds the appellant used incorrect dwelling sizes for the subject and comparables, which skewed the mathematical results. The Board finds the MLS sheets submitted by the appellant did not contain any schematic drawings of the dwellings to support the reported dwelling sizes. In contrast, the board of review submitted property record cards with schematic drawings to support the dwelling sizes used in their analysis. The Board finds the MLS sheets had a disclaimer stating: All information regardless of source, including square footage and lot sizes are not guaranteed and should be verified by personal inspection and/or with appropriate professionals. This disclaimer further detracts from the weight of the appellant's descriptive analysis. As a final point, the Board finds the appellant used an incorrect sale price for comparable 2, which sold in September 2009 for \$308,000 or \$128.87 per square foot of living area including land.

The comparables submitted by both parties were similar to the subject in most respects. These properties sold from May 2008 to March 2011 for prices ranging from \$275,000 to \$308,000 or from \$106.34 to \$128.87 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$259,370 or \$103.34 per square foot of living area including land, which is lower than the comparable sales. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is well supported and no reduction is justified.

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: September 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.