



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

APPELLANT: Potacheck Investments LLC
DOCKET NO.: 09-05346.001-C-1
PARCEL NO.: 14-33.0-456-025

The parties of record before the Property Tax Appeal Board are Potacheck Investments LLC, the appellant, by attorney Michael M. Durr of Sgro, Hanrahan & Durr, L.L.P., Springfield; and the Sangamon 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 Sangamon County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$21,595
IMPR.: \$58,254
TOTAL: \$79,849

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a three-story, eight unit brick apartment building that contains 5,975 square feet of building area that is approximately 85 years old. The building is situated on 6,000 square feet of land area. The subject property is located in Capital Township, Sangamon County, Illinois.

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 an analysis of three suggested comparable sales. The comparables consist of two or three-story brick, stone or frame apartment buildings. Comparable 2 is 45 years old while the age of comparables 1 and 3 were not disclosed. The buildings range in size from 4,525 to 6,480 square feet of building area with six to eight apartment units. The buildings are situated on sites that range in size from 6,320 to 9,300 square feet of land area. The comparables sold from March to September of 2009 for prices ranging from \$80,000 to \$199,900 or from \$17.68 to \$37.98 per square foot of building area including land.

The evidence further revealed that the appellant filed this appeal directly to the Property Tax Appeal Board following receipt of the notice of a township equalization factor issued by the board of review.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$70,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$81,502 was disclosed. The subject's assessment reflects an estimated market value of \$244,530 using Sangamon County's three-year median level of assessment of 33.33%. The board of review contends the appellant did not provide enough data to review and determine value. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal dated April 29, 2012, the appellant submitted documentation revealing the subject property had been listed for sale at \$210,000 in May 2010, but the listing was withdrawn from the market in April 2011. The appellant also submitted three new comparable sales to further demonstrate the subject property was overvalued. The Board finds it cannot consider the new comparable sales submitted by the appellant. Section 1910.66(c) of the rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties**. A party to the appeal shall be precluded from submitting its own case in chief in guise of rebuttal evidence. (86 Ill.Admin.Code §1910.66(c)).

In further rebuttal dated May 7, 2012, the appellant submitted documentation indicating the comparable sales originally submitted with the appeal petition had been re-listed for sale in the open market for prices ranging from \$92,000 to \$235,000.

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 appellant appealed the subject's 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 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 (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 equalization factor.

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: October 19, 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.