



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

APPELLANT: John Budnicki  
DOCKET NO.: 09-05790.001-R-1  
PARCEL NO.: 03-19.0-203-010

The parties of record before the Property Tax Appeal Board are John Budnicki, the appellant; and the St. Clair 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 St. Clair County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$27,478  
**IMPR.:** \$82,789  
**TOTAL:** \$110,267

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single family dwelling that contains approximately 3,400 square feet of living area. The dwelling was constructed in 2005 and has a brick and vinyl exterior. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a three-car attached garage with 630 square feet of building area. The property is located in St. Clair County.

The appellant claims overvaluation as the basis of the appeal. In support of this argument the appellant provided evidence disclosing the subject property was purchased in March 2005 for a price of \$328,000. The appellant also provided a copy of a decision issued by the Property Tax Appeal Board in connection with the 2007 tax year under Docket No. 07-05607.001-R-1. In that appeal the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$107,086. The appellant also submitted a copy of a decision issued by the St. Clair County Board of Review on June 19, 2009 reducing the subject's assessment for the 2008 tax year to \$107,086. In addition the appellant submitted a copy of the 2008 real estate tax bill for the subject disclosing that in 2008 an equalization factor of 1.0297 was applied increasing the subject's assessment to

\$110,267, which was used in calculating the tax bill. The appellant also submitted various articles discussing the decline of the housing market. The evidence further revealed that the appellant filed the appeal for the 2009 tax year directly to the Property Tax Appeal Board following receipt of the notice of a township equalization factor of 1.0352 issued by the board of review on June 2, 2010 increasing the assessment from \$110,267 to \$114,148. Based on this evidence the appellant requested the subject's assessment be reduced to \$107,086.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$114,148 was disclosed. The subject's equalized assessment reflects a market value of approximately \$342,068 when applying the 2009 three year average median level of assessments for St. Clair County of 33.37% as calculated by the Illinois Department of Revenue. After reviewing the appellant's evidence, the board of review agreed to reduce the subject's assessment to the pre-equalized assessment of \$110,267.

The appellant was notified of the board of review's proposed assessment and rejected the same and further requested the subject's assessment be reduced to \$103,333 based on the highest median comparable sale price contained in a Property Inspection Report dated September 23, 2010. The report was prepared by James M. Wilson an Illinois Certified Residential Real Estate Appraiser. Wilson indicated within the report that the overall price trends for competing properties in the general market area appeared to be stable.

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 assessment directly to the Property Tax Appeal Board following the receipt of the notice of the application of a township equalization factor issued by the board of review. Due to the fact 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 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 in the assessment caused by the equalization factor. Villa Retirement Apartments, Inc. v. Property Tax Appeal Board, 302 Ill.App.3d 745, 753 (4<sup>th</sup> 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: February 24, 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.