



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

APPELLANT: Michael Mahoney
DOCKET NO.: 09-06217.001-R-1
PARCEL NO.: 08-02.0-404-024

The parties of record before the Property Tax Appeal Board are Michael Mahoney, 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: \$29,806
IMPR: \$98,736
TOTAL: \$128,542

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an owner occupied residential property located in St. Clair Township, St. Clair County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject property was inequitably assessed. In support of this claim, the appellant submitted an assessment analysis of four suggested comparables. The appellant's evidence also disclosed the subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 08-02500.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$128,542 based on an agreement by the parties that was supported by the evidence in the record. Based on this evidence, the appellant requested the subject's assessment be reduced to \$134,197.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$134,197 was disclosed. The board of review indicated it would not stipulate

to a change in the assessed value of the subject property. The board of review alleged the 2008 Property Tax Appeal Board decision was carried over to 2009 assessment year and is less than the appellant's assessment request. The board of review also submitted a copy of the Property Tax Appeal Board's decision for the subject property depicting the subject's final 2008 assessment amount of \$128,542. The evidence also indicated the board of review did not issue an equalization factor in the subject's township for the 2009 assessment year. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, 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.

The appellant argued the subject property was inequitably assessed. However, the Property Tax Appeal Board takes notice that the subject property was the matter of an appeal the prior assessment year under Docket Number 08-02500.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$128,542 based on the evidence and an agreement by the parties. The evidence further indicates the subject property is an owner occupied residential property. 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 on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

Based on this statutory language, the Board finds its 2008 decision shall be carried forward to the subsequent assessment year of the same general assessment period plus application of equalization factor. The Board finds this record contains no evidence indicating the subject property sold in an arm's-length transaction subsequent to the Board's prior year's decision or that the assessment year in question is in a different general assessment period. As a result, the Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's finding. The Board further finds the board of review had not "carried over" the subject's assessment for the 2009 assessment year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). Therefore, the Board finds a reduction in the subject's assessment is warranted.

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.



Chairman



Member



Member



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: December 21, 2012



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.