



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

APPELLANT: Rusciolelli James E Trust
DOCKET NO.: 10-02860.001-C-1
PARCEL NO.: 15-18.0-102-004

The parties of record before the Property Tax Appeal Board are Rusciolelli James E Trust, the appellant, by attorney Robert W. McQuellon III, Peoria, 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: \$31,832
IMPR: \$393,168
TOTAL: \$425,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject appeal consists of a two-story building of steel and masonry exterior construction that has 31,900 square feet of building area and was constructed in 2000. The subject parcel contains 44,170 square feet of land area and is located in Capital Township, Sangamon County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject's assessment is not reflective of fair market value. In support of the overvaluation argument, the appellant submitted a grid analysis of three suggested comparable sales. The comparables had varying degrees of similarity when compared to the subject. The comparables sold from February to November of 2008 for sale prices ranging from \$189,000 to \$1,100,000 or from \$18.44 to \$29.60 per square foot of building area including land. In further support that the subject property is overvalued, the appellant submitted a cost analysis using the Marshall & Swift. Under the cost analysis, the appellant calculated the subject property had a depreciated cost new including land of \$1,227,000, rounded.

The appellant also submitted the Sangamon County Board of Review's final decision regarding the subject property. The subject property had a pre-equalized assessment of \$501,252, which reflects an estimated market value of approximately \$1,503,906. Based on this evidence, the appellant requested a reduction in the subject's assessed valuation to \$425,000, which reflects an estimated market value of \$1,275,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$508,470 was disclosed. The subject's assessment reflects an estimated market value of \$1,525,563 using Sangamon County's 2010 three-year median level of assessments of 33.33%. The board of review's evidence was filed with the Property Tax Appeal Board by postmark on March 4, 2013. However, the board of review's evidence was due on December 26, 2012. Therefore, the board of review's response was not timely. As a result, the board of review is hereby found to be in default pursuant to section §1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.69(a)).

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 Board further finds a reduction in the subject's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property 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). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant in this appeal submitted three suggested comparable sales to demonstrate the subject property's assessment was not reflective of fair market value. The appellant also submitted a cost analysis to further show the subject property was overvalued. The board of review did not timely submit evidence in support of its assessment of the subject property or to refute the appellant's argument as required by section §1910.40(a) of the rules of the Property Tax Appeal Board and was found to be in default pursuant to section §1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.40(a) & §1910.69(a)). The Board has examined the evidence and finds that it supports a reduction in the assessed valuation of the subject property commensurate with the appellant's assessment request.

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

Frank J. Huff

Member

Mark Morris

Member

JR

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: May 24, 2013

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.