



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

APPELLANT: Michael Hillary
DOCKET NO.: 10-03767.001-R-1
PARCEL NO.: 13-24-100-008

The parties of record before the Property Tax Appeal Board are Michael Hillary, the appellant; and the Iroquois 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 Iroquois County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,480
IMPR.: \$48,848
TOTAL: \$51,328

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of one-story frame dwelling containing 1,248 square feet of living area that was built in 1978. Features include a full partially finished basement, a fireplace, central air conditioning and a two-car attached garage. The dwelling is situated on approximately 1.95 acres of land area. The subject property is located in Beaver Township, Iroquois County.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject property's assessment was not reflective of fair market value. In support of the overvaluation claim, the appellant submitted an appraisal of the subject property as well as two other contiguous parcels that are used for farming purposes and are improved with various farm structures. However, the appraisal report segregated an estimated market value for the subject dwelling and home site.

Under the sales comparison approach, the appraiser analyzed two suggested comparables sales in concluding the subject property had fair market value of \$154,944. Under the cost approach, the appraiser concluded the subject property has an estimated market

value of \$153,436. Under reconciliation, the appraiser determined the subject property has a fair market value of \$154,000 as of July 9, 2007.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$56,667 was disclosed. The subject's assessment reflects an estimated market value of \$168,151 when applying Iroquois County's 2010 three-year median level of assessments of 33.70%.

In response to the appeal, the board of review argued the effective valuation date of the appraisal submitted by the appellant is two and one-half years prior the subject's January 1, 2010 assessment date, which does not reflect current market conditions and is "out of date" for the appeal. The board of review also indicated the subject's 2011 assessment was substantially reduced by the local assessor. The board of review did not submit any market evidence in support of its assessed valuation of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.40(a)). Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 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). 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 an appraisal to demonstrate the subject property's assessment was not reflective of fair market value. The appraisal conveyed an estimated market value of \$154,000 as of July 7, 2007. The subject property has an assessment of \$56,667, which reflects an estimated market value of \$168,151. The board of review did not submit any market value evidence in support of the assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.40(a)). The board of review merely criticized the appraisal submitted by the appellant due to the fact its effective valuation date was approximately two and one-half years prior the subject's January 1, 2010 assessment date. The Board gave no weight to the response offered by the board of review. The Property Tax Appeal

Board is not to afford *prima facie* weight to the findings and conclusions of fact made by the board of review. Mead v. Board of Review of McHenry County, 143 Ill. App. 3d 1088 (2nd Dist. 1986); Western Illinois Power Cooperative, Inc. v. Property Tax Appeal Board, 29 Ill. App. 3d 16 (4th Dist. 1975). The decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence. (35 ILCS 16-185; Commonwealth Edison Co. v. Property Tax Appeal Board, 102 Ill. 2d 443 (1984); Mead, 143 Ill. App. 3d 1088.) A taxpayer seeking review at the Property Tax Appeal Board from a decision of the board of review **does not have the burden of overcoming any presumption that the assessed valuation was correct.** [Emphasis Added]. (People ex rel. Thompson v. Property Tax Appeal Board, 22 Ill. App. 3d 316 (2nd Dist. 1974); Mead, 143 Ill. App. 3d 1088).

The Property Tax Appeal Board recognizes the fact, as pointed out by the board of review, that the effective valuation date of the appraisal report submitted by the appellant was approximately two and one-half years old in relation to the subject's January 1, 2010 assessment. However, due to the fact the board of review submitted no credible market value evidence to support the subject's assessed valuation, the Board finds the appraisal is the only credible evidence pertaining to the subject's fair market value contained in this record. The Board has examined the evidence submitted by the appellant and finds that it supports a reduction in the assessment of the subject property to reflect its appraised value.

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

[Signature]

Member

[Signature]

Member

[Signature]

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: March 22, 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.