



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

APPELLANT: Carrier Mills Nursing & Rehab Ctr.
DOCKET NO.: 10-04288.001-C-2
PARCEL NO.: 02-1-098-03

The parties of record before the Property Tax Appeal Board are Carrier Mills Nursing & Rehab Ctr., the appellant, by attorney Allen A. Lefkovitz of Allen A. Lefkovitz & Assoc., P.C., in Chicago, and the Saline 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 **Saline** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,635
IMPR: \$329,967
TOTAL: \$341,602

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 9-acres of land area is improved with a one-story brick exterior constructed nursing home facility. The facility was originally built in 1970 with 15,432 square feet of building area and had an addition constructed in 1993 of 13,700 square feet. As of the assessment date, the facility contained 29,132 square feet of building area with 99 beds. The property is located in Carrier Mills Township, Saline County.

The appellant appeared before the Property Tax Appeal Board by legal counsel contending unequal treatment in the assessment process. The appellant submitted limited information on six comparable facilities located in the subject's "health planning area." One comparable was located in Hamilton County, one comparable was located in Gallatin County and the remaining comparables were located in Saline County. Counsel for the appellant argued that the six suggested comparables present a narrow range of values per bed with one property in Hamilton below the rest and one property, Finnie Good Shepard, above the rest on a per-bed basis.

The comparable facilities were built between 1973 and 1995. The buildings range in size from 11,840 to 37,659 square feet of building area and have from 43 to 142 beds at each facility.

Counsel for the appellant in a brief submitted with the appeal converted the total assessments of the comparables (i.e., both the land and improvement assessments) to an estimated market value (by dividing by 33.33%) and then divide the result by the number of beds at the particular facility resulting in a range of "overall" values from \$4,306 to \$15,091 per bed. Counsel also similarly converted only the improvement assessments of the comparables to an estimated market value (divide the improvement assessment by 33.33%) and then divided the result by the number of beds at the facility. For this calculation, the appellant's counsel reported a range of "building" values from \$4,050 to \$14,929 per bed. Counsel further reported that using this same methodology, the subject had an "overall" value of \$15,806 per bed and a "building" value of \$15,454 per bed.

On this record and based upon the underlying data submitted with the appellant's appeal, the six comparables have improvement assessments ranging from \$58,051 to \$435,275 or from \$1,350 to \$4,976 per bed. The subject's improvement assessment is \$509,925 or \$5,151 per bed.

Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$329,967 or \$3,333 per bed which would reflect an estimated market value of \$10,000 per bed.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$521,560 was disclosed. The board of review presented a memorandum along with additional evidence in support of the subject's assessment.

At hearing, the board of review was represented by Sheryl Pearce, Chief County Assessment Officer of Saline County. Pearce asserted that the subject nursing home "is one of the better nursing homes" with Fountain View and Saline Care being similar to the subject within the county. She further contended that the subject's assessment was "in line with" Finnie Good Shepard Nursing Home which is also in Saline County.

As part of its evidence, the board of review noted that in August 1992, the subject facility applied for Enterprise Zone abatement for expansion of the original facility. In that application, the board of review contends that the appellant reported an expenditure of \$1,260,000 to be completed by the end of 1992 which would add 56 beds, administrative offices, ancillary treatment rooms and offices, including physical therapy. A copy of the two-page "Enterprise Zone Commercial/Industrial Project Information" was submitted. At hearing, Pearce acknowledged that the existence of an enterprise zone application had no relevance to the assessment of the subject property, but merely depicted the value of the construction that occurred.

In further response to the appeal, the board of review submitted a listing of five sales of nursing homes located in Franklin,

Hamilton, Hardin or Johnson Counties. These facilities are located from 26 to 36 miles from the subject. The facilities have from 43 to 96 beds each. No other age, size or features data was provided for these comparables. The facilities sold between 2005 and 2009 for prices ranging from \$765,000 to \$1,800,000 or from \$15,225 to \$22,620 per bed, rounded.

Pearce testified that the subject's assessment is calculated based upon building square footage using commercial schedules.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

On cross-examination, Pearce acknowledged the sales prices reported were obtained from the Illinois Department of Revenue and her office did not have further details as to what was included in the reported sale price. (Transcript p. 12-14)

In written rebuttal, the appellant through counsel contended that board of review comparable #3 actually sold for \$1,440,000 rather than \$1,800,000 as reported in the board of review's submission.

In addition, the appellant submitted a grid analysis of the five comparables suggested by the board of review with assessment data. These comparables have improvement assessments ranging from \$58,051 to \$398,998 or from \$1,186 to \$5,783 per bed.

At hearing, counsel for the appellant argued that given the assertion made by Pearce on behalf of the board of review, the subject's assessment should be more in line with Saline Care Center.

After hearing the testimony and reviewing 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 unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The Property Tax Appeal Board finds that the board of review's submission of sales comparables is not responsive to the appellant's lack of assessment uniformity claim. Therefore, the sales data or market value evidence presented by the board of review will not be further analyzed on this record.

Similarly, the appellant's arguments relying upon converting the assessments of suggested comparable properties to estimated market values is not relevant in determining assessment uniformity. If the contention is lack of uniformity, the Board finds that the assessments themselves one to another may be compared for purposes of analyzing uniformity. Thus, the unnecessary application of 33.33% to suggested comparable assessments in order to arrive at comparison of estimated market values of one property to another will not be further addressed in this decision.

As to the appellant's equity argument, the Board finds that the submission by the appellant of comparables located in Gallatin and Hamilton Counties is not relevant. Similarly, while the appellant provided the applicable assessments for the five sales comparables presented by the board of review, the Property Tax Appeal Board finds that none of these board of review comparables were located within Saline County. Therefore, the assessments of the board of review's comparables presented by the appellant in rebuttal will not be further analyzed on this record. In Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 234 (1998), the Illinois Supreme Court discussed the uniformity requirement as follows:

The Illinois property tax scheme is grounded in article IX, section 4, of the Illinois Constitution of 1970, which provides in pertinent part that real estate taxes 'shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.' Ill.Const.1970, art. IX §4(a). Uniformity requires equality in the burden of taxation. [Citation.] This, in turn, requires equality of taxation in proportion to the value of the property taxed. [Citation.] Thus, taxing officials may not value the same kinds of properties within the same taxing boundary at different proportions of their true value. [Citation.] . . . [Emphasis and italics added.]

Thus, for purposes of assessment uniformity with regard to the subject property located in Saline County, the assessments of similar facilities in other counties and other taxing districts as assessed by other taxing officials is not relevant to the issue of assessment uniformity related to the subject property. Therefore, the Board has placed no weight on the appellant's comparables in Gallatin and Hamilton Counties and has placed no weight on the five comparables cited by the board of review which are all located outside Saline County.

The appellant submitted a total of four equity comparables located in Saline County. The Board finds the comparables submitted by the appellant were similar nursing home facilities to the subject with facilities that were built between 1975 and 1985 and had from 68 to 142 beds per facility. These comparables had improvement assessments that ranged from \$207,095 to \$435,275 or from \$3,046 to \$4,976 per bed. The subject's improvement

assessment of \$509,925 or \$5,151 per bed is above the range established by these similar comparables within Saline County. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is not equitable and a reduction in the subject's assessment commensurate with the appellant's request 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Marko M. Louie

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: April 19, 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.