



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

APPELLANT: Jimmy J. & Julie A. Kerner
DOCKET NO.: 11-05651.001-R-1
PARCEL NO.: 12-18-121-045

The parties of record before the Property Tax Appeal Board are Jimmy J. & Julie A. Kerner, the appellants; and the Effingham County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the **Effingham** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 11,530
IMPR.: \$ 29,180
TOTAL: \$ 40,710

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a residential property located in Teutopolis Township, Effingham County, Illinois.

The appellants challenged the assessment of the subject property based on a contention of law. In support of this claim, the appellants cited sections 10-5 and 10-10 of the Property Tax Code regarding solar energy systems. (35 ILCS 200/10-5 and 10-10). The appellants explained they installed a geothermal heating and cooling system in their new home. The new home was 40% complete as of the January 1, 2011 assessment date. According to the appellants, Effingham County Assessment Officials value geothermal heating and cooling systems more than traditional heating and cooling systems due to their higher cost. Per conversation with Illinois Department of Revenue

employees, the appellants contend geothermal and conventional heating and cooling systems are to be assessed the same. The appellants performed various calculations and determined they pay an extra \$200 per year in property taxes due to the existence of the geothermal heating system. The appellants requested the Board to provide clarification of the aforementioned statute and how it affects the valuation of geothermal versus traditional heating and cooling systems.

The appellants also submitted a copy of the final decision issued by the Effingham County Board of Review. The subject property had a final assessment of \$40,710. Based on the arguments presented, the appellants requested a reduction in the subject's assessment to \$40,628.

The board of review did not submit its "Board of Review Notes on Appeal" or any 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)). Therefore, the board of review 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 §1910.69(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 the evidence in this record does not support a reduction in the subject's assessment.

The appellants contend the assessment of the subject property is incorrect based on a contention of law. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case conducted under this Act by an agency shall be the preponderance of the evidence. (5 ILCS 100/10-15). The Board finds the appellants have not met this burden of proof. Therefore, no reduction in the subject's assessment is warranted.

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Board finds the appellants' argument pertaining to the subject's geothermal heating and cooling system is misplaced.

Section 10-5(a) of the Property Tax Code provides:

"Solar Energy" means radiant energy received from the sun at wave lengths suitable for heat transfer, photosynthetic use, or photovoltaic use. (35 ILCS 200/10-5(a)).

Additionally, section 10-5(d)(2)(A) provides:

"Solar energy system" does not include distribution equipment that is equally usable in a conventional energy system except for those components of the equipment that are necessary for meeting the requirements of efficient solar energy utilization; (35 ILCS 200/10-5(d)(2)(A)).

The Property Tax Appeal Board finds the subject's geothermal heating and cooling system is not a solar energy system under Illinois law. A geothermal heating and cooling system does not receive radiant energy from the sun at wave lengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

The Property Tax Appeal Board gave no weight to the appellants' various calculations and accompanying argument that they pay an extra \$200 per year in property taxes due to the existence of the geothermal heating system. The Property Tax Appeal Board finds it plays no part of the calculation of the property tax bill of the subject property. Section 1910.10(f) of the rules of the Property Tax Appeal Board states:

The Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of the tax bill, or the exemption of real property from taxation. (86 Ill.Admin.Code §1910.10(f)).

The Property Tax Appeal Board's jurisdiction is limited to finding the correct assessment of the subject property under appeal. The Board takes notice the appellants did not challenge the estimated market value of the subject property as reflected in the partial assessment. However, the Board takes notice of section 9-145(a) of the Property Tax Code, which provided:

Each tract or lot of property shall be valued at 33 1/3% of its fair cash value. (35 ILCS 200/9-145(a)).

Additionally, section 9-155 of the Property Tax Code provides in pertinent part:

[T]he assessor, in person or by deputy, shall actually view and determine as near as practical the value of each property listed for taxation as of January 1 of that year, . . ., and assess the property at 33 1/3% of its fair cash value, (35 ILCS 200/9-155)

The Board finds these provisions of the Code require assessment officials to assess real property at 33 1/3% of fair cash value. The Board finds the appellants did not submit any market value evidence that would demonstrate the subject's assessment was not reflective of its fair market value, including or excluding the existence of the geothermal heating and cooling system.

Based on this record, the Board finds no 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: February 21, 2014



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.