FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Duane Ohm
DOCKET NO.: 12-03234.001-R-1
PARCEL NO.: 14-2-15-24-01-101-053

The parties of record before the Property Tax Appeal Board are Duane Ohm, the appellant, and the Madison 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 **Madison** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$17,260
IMPR.:	$82,710
TOTAL:	$99,970

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 15,000 square foot site improved with a ranch style single family dwelling of brick construction with 2,028 square feet of living area. The dwelling was constructed in 2000. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a three-car attached garage. The property is located in Edwardsville, Edwardsville Township, Madison County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of $263,000 as of May 30, 2012. The appellant also provided information on three comparable sales. The evidence in the record further revealed that the appellant filed the appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor. The appellant submitted a copy of the Notice of Final Decision on Assessed Value by Board of Review

dated March 15, 2013, disclosing the board of review applied a township equalization factor of .9867 reducing the subject's assessment from $101,310 to $99,970. The assessment notice stated the equalized assessment reflects a market value of $299,940. Based on this evidence the appellant requested the subject's assessment be reduced to $67,891.

The board of review submitted its "Board of Review Notes on Appeal" and filed a Motion to Dismiss citing section 16-180 of the Property Tax Code (35 ILCS 200/16-180) for the proposition that the Property Tax Appeal Board has limited jurisdiction when an appeal is filed from the effect of an equalization factor. The board of review contends that since the property received a "negative" equalization factor resulting in a decrease in the assessed valuation the Property Tax Appeal Board has no jurisdiction over the appeal.

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 the appeal. The Board further finds that it has no authority to grant a reduction in the subject's assessment.

A review of the file disclosed the appeal was timely filed after receipt of the Notice of Final Decision on Assessed Value by Board of Review dated March 15, 2013. The assessment notice disclosed the assessment on the property was reduced by the application of a township equalization factor of .9867.

Due to the fact the appeal was filed after notification of an equalization factor, the amount of relief that the Property Tax Appeal Board may grant is limited. Section 1910.60(a) of the rules of the Property Tax Appeal Board states in part:

> If the taxpayer or owner of property files a petition within 30 days after the postmark date of the written notice of the application of final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the **increase** (emphasis added) caused by the application of the township equalization factor. 86 Ill.Admin.Code §1910.60(a).

Additionally, section 16-180 of the Property Tax Code (35 ILCS 200/16-180) provides in pertinent part:

> Where no complaint has been made to the board of review of the county where the property is located and the appeal is based solely on the effect of an equalization factor assigned to all property or to a class of property by the board of review, the Property Tax Appeal Board may not grant a **reduction in the assessment greater than the amount that was added** (emphasis added) as the result of the equalization factor.

These provisions mean that where a taxpayer files an appeal directly to the Property Tax Appeal Board after notice of the application of an equalization factor, the Board cannot grant an assessment reduction greater than the amount of increase caused by the equalization factor. Villa Retirement Apartments, Inc. v. Property Tax Appeal Board, 302 Ill.App.3d 745, 753 (4th Dist. 1999).

Due to the fact the appeal was filed after the application of a "negative" township equalization factor reducing the assessment of the property, the Property Tax Appeal Board finds it has no authority to grant a further reduction in the assessment of the subject property and no change in the assessment is justified.

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: March 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.