

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Antoinette Render  
DOCKET NO.: 03-00537.001-R-1  
PARCEL NO.: 13-23-277-006

The parties of record before the Property Tax Appeal Board are Antoinette Render, the appellant, and the Peoria County Board of Review.

The subject property consists of a one-story stucco dwelling containing 2,808 square feet of living area that was built in 2000. Features include 2.5 bathrooms, a full unfinished basement, central air conditioning, a fireplace, a patio, and a three-car attached garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted an appraisal report estimating the subject's fair market value to be \$410,000 as of August 8, 2004. The appraiser was not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology and final value conclusion.

Under the cost approach, the appraiser estimated the reproduction cost new of the subject property including land to be \$499,700.

Under the sales comparison approach, the appraiser utilized five suggested comparable sales located from across the street to .31 of a mile from the subject. The comparables consist of four, two-story masonry dwellings and a one and one-half story masonry dwelling. The dwellings are from one to three years of age and range in size from 2,974 to 4,544 square feet of living area. One comparable has an unfinished basement and four comparables have partial finished basements. Other features include central air conditioning, one to three fireplaces, porches, patios, decks and three car attached garages. The comparables sold from November 2002 to June 2003 for prices ranging from \$418,000 to \$595,000 or from \$117.03 to \$158.00 per square foot of living area including land.

The appraiser adjusted the comparables for differences to the subject in room count, size, basement types, and other ancillary

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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 Peoria County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	30,190
IMPR.:	\$	107,810
TOTAL:	\$	138,000

Subject only to the State multiplier as applicable.

features such as porches, patios, decks. The adjustments resulted in adjusted sales prices ranging from \$406,700 to \$507,600 or from \$111.16 to \$142.91 per square foot of living area including land. Based on these adjusted sales, the appraiser concluded the subject property has an estimated market value of \$410,000 or \$137.72 per square foot of living area including land.

The appellant also submitted documentation indicating the subject dwelling suffers from a cracking foundation walls, unsealed sewer pipes, and improperly installed flashing, which causes water leakage into the residence. These issues involved pending litigation with the builder. Finally, the appellant submitted some statistical information gleaned from an internet website showing property values in Peoria, Illinois, decreased by 1.8% between 2001 and 2002. Thus, the appellant argued the value of the subject property has decreased. The appellant also testified the subject property was listed for sale on the open market for \$599,000, with no offerings. She testified a neighboring property with the same exact dwelling as the subject sold for \$380,000 or \$129.91 per square foot of living area including land. 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 assessment of \$147,010 was disclosed. The subject's assessment reflects an estimated market value of \$444,139 or \$158.17 per square foot of living area including land using Peoria County's 2003 three-year median level of assessments of 33.10%.

In support of the subject's assessment, the board of review submitted three suggested comparable sales located within the subject's subdivision. The comparables consist of one-story masonry or frame and masonry dwellings that are three to six years old. The dwellings range in size from 2,102 to 2,701 square feet of living area. The dwellings contain full partially finished basements, central air conditioning, one fireplace, and two or three car attached garages. The comparables sold from June 2000 to August 2001 for prices ranging from \$322,000 to \$410,000 or from \$119.22 to \$195.05 per square foot of living area including land. Based on this evidence, the board of review argued the subject's assessed value is supported.

With regard to the appraisal submitted by the appellant, the board of review argued the comparable sales are one and one half or two story style dwellings, dissimilar to the subject. The board of review also questioned some of the adjustment amounts applied to the comparables, but noted the appellant's appraiser was not present to be cross-examined.

In her rebuttal submission, the appellant argued the comparables used by the board of review have finished basements that should be included in their overall amount of living area.

The appellant also attempted to submit five new comparable sales from the subject's subdivision. The Board finds it cannot consider this new evidence. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties**. A party to the appeal shall be precluded from submitting its own case in chief in guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

After hearing the testimony 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 Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellant argued the subject property's assessment was not reflective of its fair market value. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the appellant has not overcome this burden.

The appellant submitted an appraisal estimating the subject's fair market value to be \$410,000 as of August 8, 2008, using the cost and sales comparison approaches to value. The Board gave little weight to the value conclusion contained in the appraisal submitted by the appellant. The appellant's appraiser was not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology, the selection of the comparables, the adjustment process and final value conclusion. Moreover, in reviewing the sales comparison approach to value, the Board finds the comparables utilized by the appellant's appraiser are dissimilar when compared to the subject. The comparables are one and one-half or two story style dwellings, dissimilar to the subject's one-story design. Furthermore, three of the comparables are considerably larger in size when compared to the subject.

The Property Tax Appeal Board next analyzed the three suggested comparable sales submitted by the board of review. The Board finds these comparables are one story style dwellings that are located within the subject's subdivision. However they have finished basements unlike the subject; one comparable sold two and one-half years prior to the subject's January 1, 2003 assessment date; and two comparables are smaller in size when compared to the subject. Accepted real estate theory suggests that all factors being equal, as the size of a property increases, its per unit value (per square foot) decreases. They sold for prices ranging from \$322,000 to \$410,000 or from

\$119.22 to \$195.05 per square foot of living area including land. The subject's assessment of \$120,020 reflects an estimated market value of \$444,139 or \$158.17 per square foot of living area including land. After considering adjustments to the board of review comparables for differences when compared to the subject, such as their size, age, and amenities, the Property Tax Appeal Board finds a slight reduction in the subject's assessed valuation is supported.

In conclusion, the Board finds the evidence in this record demonstrates the subject property is overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction 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: August 29, 2008



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.