

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: MJM Limited Partnership
DOCKET NO.: 05-00229.001-C-1
PARCEL NO.: 14-33-452-012

The parties of record before the Property Tax Appeal Board are MJM Limited Partnership, the appellant, by attorney Clyde B. Hendricks of Peoria; and the Peoria County Board of Review.

The subject is improved with a one-story retail strip of concrete block, brick and stucco exterior construction containing 23,139 square feet of building area. The subject is air conditioned and has a ceiling height of 22 feet. As of the assessment date the building is approximately 45 years old being constructed in 1960. The subject also has 63,000 square feet of asphalt parking. The subject parcel contains 86,335 square feet of land area resulting in a land to building ratio of 3.73:1.

The appellant contends assessment inequity in the improvement assessment as the basis of the appeal. In support of this argument the appellant presented an assessment analysis prepared by Vivian E. Hagaman. Hagaman testified she has had 10 years of appraisal experience, 13 years experience as a realtor, and 18 months as a deputy township assessor for Morton Township, Tazewell County. She had an appraisal license that expired in 2007. She currently holds a brokers license.

Hagaman submitted an assessment analysis using seven equity comparables. The analysis was based on information from the property record cards maintained by the assessor. She indicated that the equity comparables were adjusted in relation to the subject for grade as well as for condition, desirability and utility (CDU). Her report contained copies of the property record cards for the subject and the comparables from the township assessor's Computer Assisted Mass Appraisal (CAMA) records. She also provided copies of photographs for the subject and the comparables.

Her analysis indicated the subject improvement had a market value as reflected by its assessment of \$33.47 per square foot of building area. Hagaman's analysis indicated the comparables

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds 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:	\$	176,520
IMPR.:	\$	231,390
TOTAL:	\$	407,910

Subject only to the State multiplier as applicable.

ranged in size from 15,000 to 33,750 square feet of building area. Hagaman's grid analysis indicated the comparables were constructed from 1955 to 2000 for an average of 1974. Her analysis indicated the comparables had CDUs ranging from 50% to 89% for an average of 65%. The comparables had grades ranging from C to C+10 for an average of C+05. She indicated the comparables had improvement assessments reflecting market values ranging from \$22.87 to \$44.81 per square foot of building area and an average market value of \$25.65 per square foot of building area. Hagaman indicated the comparables had grade adjustment values ranging from \$24.95 to \$39.92 per square foot for a weighted average of \$26.82 per square foot. The witness indicated the comparables had CDU adjustment values ranging from \$22.04 to \$25.95 per square foot for a weighted average of \$20.63 per square foot. Based on this analysis, the appellant requested the subject's improvement assessment be reduced to reflect a market value of \$20.63 per square foot of building area resulting in an improvement assessment of \$159,119 or \$6.88 per square foot of building area.

Under cross-examination Hagaman testified her fee was contingent on the tax savings.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$434,680 was disclosed. The subject has an improvement assessment of \$258,160 or \$11.16 per square foot of building area. To demonstrate the subject was equitably assessed, the board of review submitted assessment information on three comparables. The comparables were one-story commercial buildings used for retail that ranged in size from 15,600 to 32,928 square feet of building area and were of brick and concrete block exterior construction. The buildings ranged in age from 15 to 47 years old. These properties had improvement assessments ranging from \$271,270 to \$360,010 or from \$10.93 to \$17.39 per square foot of building area. Based on this evidence the board of review requested the subject's assessment be confirmed.

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 Board further finds a reduction in the subject's assessment is supported by the evidence in the record.

The appellant contends assessment inequity in the 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 assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1, 544 N.E.2d 762, 136 Ill.Dec. 76 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data submitted by the parties, the Board finds a reduction to the subject's improvement assessment is warranted.

Initially, the Board gives little weight to Hagaman's analysis and conclusion. First, Hagaman testified her fee was contingent on the outcome of the appeal. The Property Tax Appeal Board finds the fact the appellant's opinion witness' fee is contingent on the tax savings undermines her objectivity to give unbiased testimony and detracts from the credibility of her analysis. Second, the Board finds that Hagaman's analysis was based on general subjective characteristics of the buildings such as grade and CDU. The Board finds that this type of analysis does not adequately consider the physical characteristics of the individual buildings such as age, size, ceiling height, type of construction and features to make a meaningful analysis of the similarity of the comparable properties to the subject property.

As stated by the Supreme Court of Illinois in Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1, 544 N.E.2d 762, 136 Ill.Dec. 76 (1989):

[T]he cornerstone of uniformity is the fair cash value of the property in question. . . . [U]niformity is achieved only when all property with the same income-earning capacity and fair cash value is assessed at a consistent level.

Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d at 21, 544 N.E.2d at 772. In this appeal the appellant failed to demonstrate the comparables and the subject had similar fair cash values but were assessed at substantially lesser or greater proportions of their fair cash values.

In the absence of evidence demonstrating the comparables and the subject have similar fair cash values, the Property Tax Appeal Board will examine the physical characteristics of the subject and the comparables to determine if the buildings are sufficiently similar so as to be indicative of similar fair cash values and thus necessitating similar assessments. A review of the comparables disclosed that those most similar to the subject in age, size, ceiling height, features and construction included the appellant's comparables 3 through 7 and comparable 3 submitted by the board of review. These six comparables were one story buildings of brick or concrete block exterior construction that ranged in size from 16,895 to 33,750 square feet of building area. The board of review's comparable had wall heights of 12 and 15 feet; the appellant's data did not disclose the wall height of its comparables. Each of these comparables also had central air conditioning. These buildings were constructed from 1955 to 1969¹. These comparables had improvement assessments that ranged from \$7.62 to \$10.93² per square foot of building area. The subject has an improvement assessment of \$11.16 per

¹ The board of review's comparable 3 had 4,464 square feet or 13.5% of its building area constructed in 1995.

² The improvement assessment for each of the appellant's comparables was calculated by multiplying the market value per square foot by .3333.

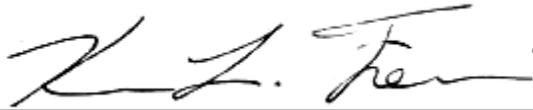
square foot of building area, which is above the range established by the most similar comparables.

In conclusion, 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 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.



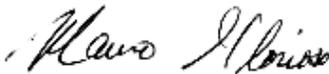
Chairman



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: March 20, 2009



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.