

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: George Curry
DOCKET NO.: 06-00105.001-R-1
PARCEL NO.: 13-23-276-001

The parties of record before the Property Tax Appeal Board are George Curry, the appellant, by attorney Robert W. McQuellon III, Peoria, Illinois; and the Peoria County Board of Review.

The subject property consists of a two-story brick and stone dwelling containing 3,631 square feet of living area that was built in 2001. The dwelling features an unfinished basement, central air conditioning, a fireplace and a 739 square foot attached garage. The dwelling is situated on a 30,000 square foot site in the private gated section of Weaver Ridge Subdivision.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this contention, the appellant submitted a market analysis and Multiple Listing Sheets (MLS) detailing three suggested comparable sales. The evidence was prepared by Robert W. McQuellon of McQuellon Consulting, Inc., who was present at the hearing for direct and cross-examination. McQuellon testified the fee for his services was contingent on the outcome of the appeal.

The three comparable sales are located ½ of a mile from the subject. They consist of two-story brick and frame dwellings that were built from 1998 to 2006. One comparable has an unfinished basement and two comparables have partial finished basements. Other features include central air conditioning and three-car attached garages. Two comparables contain a fireplace. The dwellings range in size from 2,408 to 3,056 square feet of living area and are situated on lots ranging in size from 7,344 to 21,780 square feet of land area. The comparables sold for prices ranging from \$291,168 to \$383,000 or from \$109.02 to \$125.33 per square foot of living area including land. The transactions occurred between March and August of 2006. Based on

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

LAND:	\$	36,340
IMPR.:	\$	128,430
TOTAL:	\$	164,770

Subject only to the State multiplier as applicable.

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 \$164,770 was disclosed. The subject's assessment reflects an estimated market value of \$496,445 or \$136.72 per square foot of living area including land using Peoria County's 2006 three-year median level of assessments of 33.19%.

With respect to the evidence submitted by the appellant, the board of review argued the comparables submitted by the appellant are not located in the private gated section of Weaver Ridge Subdivision.

In support of the subject's assessment, the board of review submitted property record cards, MLS sheets and a comparative analysis of five suggested comparables. The comparables are located in close proximity within the private gated section of Weaver Ridge Subdivision. They consist of two, one and one-half story and three, two-story stucco or brick and frame dwellings that were built from 1997 to 2005. One comparable has a finished basement and four comparables have unfinished basements. Other features include central air conditioning, one or two fireplaces, and three-car garages ranging in size from 756 to 836 square feet. The dwellings range in size from 3,128 to 3,942 square feet of living area and are situated on lots ranging in size from 14,442 to 18,759 square feet of land area. They sold for prices ranging from \$519,238 to \$573,500 or from \$145.48 to \$166.00 per square foot of living area including land. The transactions occurred from January 2004 to January 2006. Based on these comparables, the board of review requested confirmation of the subject property's assessment.

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 no reduction in the subject property's assessment is warranted.

The appellant argued the subject property is overvalued. 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 (2nd Dist. 2000). The Board finds the appellant has not overcome this burden.

The Property Tax Appeal Board finds the parties submitted eight suggested comparable sales for consideration. The Board gave diminished weight to the comparables submitted by the appellant. None of the comparables are located within the private gated section of Weaver Ridge Subdivision like the subject. Furthermore, the comparables are smaller in dwelling size when compared to the subject. The Board also gave less weight to

comparables 1, 2 and 4 submitted by the board of review. Comparable 1 has a finished basement unlike the subject and sold in 2004, which is considered less indicative of the subject's fair market value as of the January 1, 2006, assessment date at issue in this appeal. Comparable 2 is a one and one-half story dwelling, dissimilar to the subject's two-story design. Comparable 4 is a one and one-half story dwelling, dissimilar to the subject's two-story design and sold in 2004, which is considered less indicative of the subject's fair market value as of the January 1, 2006, assessment date at issue in this appeal.

The Property Tax Appeal Board finds comparables 3 and 5 submitted by the board of review are most representative of the subject in location, age, size, design, and features, but have somewhat smaller land sizes when compared to the subject. They sold in May 2005 and January 2006 for prices of \$519,238 and \$575,500 or \$145.48 and \$166.00 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$496,445 or \$136.72 per square foot of living area including land, which is less than the two most similar comparable sales contained in this record. After considering adjustments to these comparables for any differences when compared to the subject, the Board finds the subject's assessed valuation is supported and no reduction is warranted.

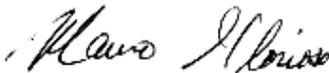
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



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: February 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.