

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Tyler Siebert
DOCKET NO.: 06-00165.001-R-1
PARCEL NO.: 13-31-176-013

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

The subject property has been improved with a 5-year old, one-story dwelling of frame exterior construction containing 4,556 square feet of living area. The dwelling has a concrete slab foundation, central air conditioning, and a garage of 1,720 square feet of building area. The subject parcel of 1.28 acres is located in Hanna City, Kickapoo Township, Peoria County.

The appellant appeared through counsel before the Property Tax Appeal Board contending overvaluation of the subject property.¹ In support of this market value argument, appellant presented sales data for three properties in an abbreviated grid along with multiple listing sheets and black and white photographs. To more fully explain what evidence had previously been presented, at the hearing the appellant presented a more detailed grid analysis of the comparables.²

Because the board of review had not been afforded the opportunity to respond to the appellant's detailed grid analysis prior to the date of hearing, at the hearing an order was entered to allow the board of review ten (10) business days to rebut in writing this newly submitted grid in accordance with the Board's rules on rebuttal evidence (86 Ill. Admin. Code, Sec. 1910.66). A review of the Board's records reveals that no written rebuttal has been submitted in this matter.

¹ By agreement with Attorney McQuellon and the board of review, witnesses were sworn once for several cases and witness credentials were presented only once for several matters held on the same date.

² In this newly prepared grid analysis, the appellant for the first time submitted assessment data for each of the comparables.

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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:	\$	10,090
IMPR.:	\$	144,300
TOTAL:	\$	154,390

Subject only to the State multiplier as applicable.

Appellant called Robert W. McQuellon Jr., M.B.A., of Real Estate Appraisers & Consultants to testify as to the significance of the comparables presented. McQuellon Jr. identified his experience and credentials including 35 years in real estate brokerage and consulting work, specializing in real estate tax appeal work. He further testified he is a member of the National Association of Real Estate Appraisers.

In support of the overvaluation argument, the appellant submitted information on three sales comparables, two of which are said to be located in the same assigned assessor's neighborhood code as the subject property. The parcels range in size from 1.89 to 3.08 acres of land area. The properties were improved with one and one-half or two-story frame or frame and masonry dwellings that range in age from 7 to 30 years old. Features include basements ranging in size from 1,068 to 2,095 square feet, two of which have finished areas of 625 and 2,095 square feet, respectively. Each comparable had central air conditioning and two comparables have one and two fireplaces, respectively. Each comparable had a garage ranging in size from 580 to 874 square feet of building area. The comparables range in size from 3,240 to 3,784 square feet of living area. The sales occurred from January 2005 to August 2006 for prices ranging from \$325,000 to \$360,000 or from \$95.14 to \$100.31 per square foot of living area, including land. The subject's assessment of \$154,390 reflects an estimated market value of \$465,170 or \$102.10 per square foot of living area, including land, using the 2006 three-year median level of assessments for Peoria County of 33.19% as determined by the Illinois Department of Revenue.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment to \$139,100 or an estimated fair market value of approximately \$419,102 or \$91.99 per square foot of living area, including land.

On cross-examination regarding his fee arrangement, McQuellon Jr. testified that only a portion of his fee was contingent on the outcome of the appeal; he has a fixed fee arrangement with a portion being contingent. While the subject is a one-story dwelling of 4,556 square feet, McQuellon Jr. testified he was unable to locate sales of similar one-story dwellings of similar size and thus selected the most similar comparables available. In questioning, it was also pointed out that the subject's garage is significantly larger than the garage amenity of any of the comparables.

On further cross-examination, McQuellon Jr. was questioned extensively about his selection of one and one-half and two-story dwellings as comparable to the one-story subject and use of sales occurring after the valuation date of January 1, 2006. He also acknowledged that his comparable #3 given its age of 30 years was the least comparable of the properties presented by the appellant.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed along with a two-page explanatory letter and a grid analysis of four suggested comparable sales with color photographs, applicable property record cards, and multiple listing service sheets.

In the letter, the board of review noted the subject property has a view of a pond and is in a desirable area for a rural setting with close access to Peoria. In its grid in support of the subject's assessment, the board of review presented descriptions and sales data on four comparable properties located from .29 to 6.61 miles from the subject property which had land areas ranging from 24,288 square feet to 4.0± acres; comparables #1 through #3 are within the subject's subdivision. The comparables are described as one and one-half-story or two-story masonry or frame and masonry dwellings that range in age from 5 to 15 years old. Each comparable has an unfinished basement ranging in size from 1,616 to 2,757 square feet of building area, central air conditioning, one or two fireplaces, and a garage ranging in size from 576 to 1,040 square feet of building area. The dwellings range in size from 2,757 to 6,308 square feet of living area. These comparables sold between June 2004 and November 2006 for prices ranging from \$425,000 to \$740,000 or from \$117.31 to \$160.31 per square foot of living area, including land.

In response to the appellant's comparables, in the letter the board of review criticized: appellant's comparable #1 for its larger land size, age of the dwelling, partial finished walkout basement feature, fireplace amenity, and smaller living area square footage than the subject; appellant's comparable #2 for its smaller living area square footage and walkout basement feature as compared to the subject; and appellant's comparable #3 for its larger land size, age of the dwelling, the smaller living area square footage, two fireplaces, and full finished walkout basement as compared to the subject.

Based on this evidence, the board of review requested confirmation of the subject's assessment which reflects an estimated fair market value of \$465,170 or \$102.10 per square foot of living area, including land.

During cross-examination, counsel for appellant had the board of review acknowledge that its comparables #1 through #3 and appellant's comparables #1 and #2 are the most similar properties to the subject in the record.

After hearing the testimony and reviewing the record, 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 not warranted.

As an initial matter, the Property Tax Appeal Board finds that no timely assertion of a lack of uniformity in assessments was made in this matter in accordance with the requirements of the

Official Rules of the Property Tax Appeal Board (86 Ill. Admin. Code, Sec. 1910.30(g) & (h)). No new evidence is to be accepted after the petition is filed. (See also 86 Ill. Admin. Code, Sec. 1910.67(k)(1)). After an extension of time, appellant's original evidentiary submission to the Board consisted of a comparable sales chart with three properties with their respective ages, dates of sale, sales price, living area square footage, and sales price per square foot data along with photographs and multiple listing service sheets. No assessment data was provided for those comparables within that submission. As noted previously, the more detailed grid of the comparables presented at hearing did include assessment data. However, in light of the Board's Rules, the Property Tax Appeal Board finds that no consideration should be given to the late-filed assessment data presented by appellant in this matter.

In this appeal, the appellant contends the assessment of the subject property is excessive and not reflective of its market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of seven comparable sales for the Board's consideration. Both parties concede an inability to find comparable sales of one-story dwellings in the area of the subject. While the parties may agree among themselves that the most comparable properties consist of appellant's comparables #1 and #2 and board of review comparables #1 through #3, the Property Tax Appeal Board disagrees with the parties' conclusion.

The first issue is the land area of the subject and comparables. As to land area, only appellant's comparable #2 and board of review comparable #3 are truly similar to the subject. Each of these are one and one-half story frame and masonry dwellings of 5 and 7 years of age, respectively. However, each of these two dwellings at 2,807 and 3,240 square feet of living area, respectively, are significantly smaller than the subject's one-story size of 4,556 square feet. Furthermore, each of these comparables has an unfinished basement of 1,600 and 1,765 square feet of building area, respectively, whereas the subject is constructed on a concrete slab foundation. In all of these respects, these two comparables differ significantly from the subject. The Board recognizes, however, that these two comparables sold in June 2005 and August 2006 for prices of \$325,000 and \$450,000 or \$100.31 and \$160.31 per square foot of living area, including land. The Board further takes note that the subject's estimated market value based on its assessment is approximately \$465,170 or \$102.10 per square foot of living area, including land, which is at the lower end of the range of these two most similar comparables on the record.

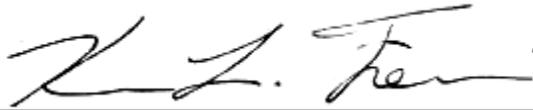
In summary, the parties presented sales data on a total of seven suggested comparables. Only two of the comparables were similar in land area; none of the comparables was similar in story height; none of the comparables were similar in exterior construction; only three of the comparables were similar in age; and none of the comparables were similar to the subject in living area square footage or foundation, thus none of the comparables was truly similar to the subject so as to support by a preponderance of the evidence that the property was overvalued. However, the Board notes that all the comparables sold between June 2004 and November 2006 for prices ranging from \$325,000 to \$740,000 or from \$95.14 to \$160.31 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$465,170 or \$102.10 per square foot of living area, including land, using the three-year median level of assessments for Peoria County of 33.19%. The subject's estimated market value based on its assessment of \$102.10 per square foot of living area, including land, is within the range of the comparables presented and appears to be supported after considering differences in the properties.

As a result of this analysis, the Property Tax Appeal Board finds that the appellant has not sufficiently demonstrated that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment is not 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.



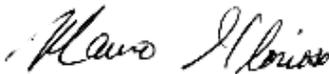
Chairman



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: July 28, 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.