



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Rodney Lochbaum  
DOCKET NO.: 07-00141.001-R-1  
PARCEL NO.: 14-27-252-006

The parties of record before the Property Tax Appeal Board are Rodney Lochbaum, the appellant; and the Peoria County Board of Review.

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: \$3,480  
IMPR: \$7,051  
TOTAL: \$10,531**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 3,600 square foot parcel improved with a 62 year-old, one-story style frame dwelling that contains 1,092 square feet of living area. Features of the home include central air conditioning and a one-car garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted the subject's property record card and a copy of the deed for the subject's sale on September 23, 2005 for \$29,700. The appellant's petition indicated he purchased the subject at an auction, where the subject was sold in foreclosure and that it was advertised for sale in a local paper for 4-6 months. Based on this evidence, the appellant requested the subject's assessment be reduced to \$10,000.

During the hearing, the appellant testified he spent approximately \$2,000 on cleanup, paint and new carpet subsequent to the sale. He asserted that his bid of \$29,700 did reflect the

subject's market value at the time of the auction because if another prospective buyer thought the subject was worth more than the appellant had bid, that person could have submitted a higher bid, or within the 4-6 months it was advertised on the open market. The appellant further testified the terms of the auction sale prevented him from making an interior inspection of the subject and that he bought it in "as is" condition.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$17,160 was disclosed. The subject has an estimated market value of \$51,656 or \$47.30 per square foot of living area including land, as reflected by its assessment and Peoria County's 2007 three-year median level of assessments of 33.22%.

In support of the subject's assessment, the board of review submitted property record cards and a grid analysis of three comparable sales. The comparables consist of one-story frame dwellings that were built between 1923 and 1946 and contain 676 or 1,138 square feet of living area. Features of the comparables include central air conditioning and garages that contain from 280 to 440 square feet of building area. One comparable has a partial unfinished basement and a fireplace. The comparables sold between November 2005 and May 2007 for prices ranging from \$38,000 to \$65,000 or from \$51.85 to \$96.15 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment be confirmed.

During the hearing, a board of review member argued that homes sold at auction were sold under duress and that realtor-owned homes were typically in inferior condition. No testimony from a bank, auctioneer, or realtor was submitted to support this claim. The board of review member also stated the subject's neighborhood was reassessed in 2007 and that the subject's auction sale was not considered an arm's-length transaction.

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 property's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant purchased the subject property for \$29,700 at an auction held on September 23, 2005 as a result of a foreclosure. He subsequently spent approximately \$2,000 on cleanup, paint and carpet for the home. The appellant indicated the subject had

been advertised for sale in a local paper for 4-6 months. The board of review contends auction sales are not arm's length transactions because the seller is under duress, but provided no direct evidence or testimony to support this claim. The appellant responded that if another potential buyer thought the subject was more valuable, he could have outbid the appellant at the auction. The board of review submitted three comparable sales in support of the subject's estimated market value. The comparables sold for prices ranging from \$51.85 to \$96.15 per square foot of living area including land. The Board gave less weight to the board of review's comparables 1 and 3 because they were significantly smaller in living area when compared to the subject. The Board also gave less weight to the board of review's comparable 2 because it was older and had amenities not enjoyed by the subject.

Notwithstanding the board of review's contention to the contrary, the Property Tax Appeal Board finds the subject's September 23, 2005 sale at auction for \$29,700 contains the fundamental elements of an arm's-length transaction and is the best indication of the subject's market value. The buyer and seller were unrelated parties, the subject was advertised for sale for 4-6 months and all prospective buyers had opportunity to bid on the property at the auction. The appellant testified he spent approximately \$2,000 renovating the subject. Based on this record, the Board finds the subject had a market value of \$31,700, which reflects the auction sale plus the appellant's renovation expenses. Since market value has been established, the Peoria County 2007 three-year median level of assessments of 33.22% shall apply.

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.

*Ronald R. Cuit*

Chairman

*Frank J. Huff*

Member

Member

*Mario M. Louie*

*Shawn R. Lerski*

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: May 21, 2010

*Allen Castrovillari*

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.