PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: A. Lou and Patricia Benassi
DOCKET NO.: 07-00172.001-R-1
PARCEL NO.: 14-16-177-002

The parties of record before the Property Tax Appeal Board are A. Lou and Patricia Benassi, the appellants, and the Peoria County Board of Review.

The subject property consists of a two-story brick dwelling containing 5,125 square feet of living area that was built in 1950. The dwelling features a partially finished basement, central air conditioning, three fireplaces, a three season room, swimming pool, pool house, and three-car attached garage. The dwelling is situated on a 5.05-acre site.

The appellant, A. Lou Benassi, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants submitted an appraisal report (Exhibit 1) estimating a fair market value for the subject property of $545,000 as of September 20, 2007, using only the sales comparison approach to value. The appraisal indicates the cost approach to value was not reported, but was developed and supports the final opinion of value. The appraiser, Janine C. Terrell, was present at the hearing to provide testimony and be cross examined regarding the appraisal methodology and final value conclusion. Terrell's qualifications and professional experience were provided without objection.

Under the sales comparison approach to value, the appraiser selected three suggested comparable properties. They consist of two-story brick or brick and frame dwellings that are from 27 to 74 years old. Features include partial finished basements, central air conditioning, two or three fireplaces, and two or three-car garages. Comparable 2 has a three season room like the subject. The dwellings range in size from 3,526 to 3,970 square feet of living area and are situated on lots that range in size from 11,250 square feet to 1.33-acres of land area. The comparables sold from September 2006 to September 2007 for prices ranging from $456,000 to $640,000 or from $116.33 to $161.21 per square foot of living area including land. The appraiser made

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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:	$	44,800
IMPR.:	$	138,625
TOTAL:	$	183,425

Subject only to the State multiplier as applicable.

adjustments to the comparables for differences when compared to the subject in land size, view, age, condition, room count, dwelling size, garage space, and features such as three-season room, fireplaces, and swimming pool. More specifically, large adjustment amounts ranging from $40,000 to $75,000 were made for land area, golf course or valley views, and condition. The adjustments resulted in adjusted sale prices ranging from $498,665 or $608,015 or from $122.21 to $153.15 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 $545,000 or $106.34 per square foot of living area including land.

The appraiser first testified she found no physical defects regarding the subject's site. However, she next testified two acres of the subject parcel are considered usable land and three acres of land are considered un-usable land because of its wooded ravines. Thus, the appraiser made $40,000 or $50.000 adjustments to the comparables to account for topography and the amount of un-usable land. The appraiser testified comparables 2 and 3 were adjusted by $75,000 for condition as the subject suffers deferred maintenance because its windows need replaced, dated fixtures and décor, and the electrical system is in need of updating/replacement. The $75,000 adjustment amount was based on the cost to cure the subject property. The appraiser further explained comparables 1 and 3 received negative $50,000 adjustments due to their superior golf course or valley views when compared to the subject. Based on this evidence, the appellants requested a reduction in the subject's assessment.

Under questioning, the appraiser opined the three acres of "un-usable" land comprised of steep wooded ravines are less valuable than the buildable table land. The appraiser testified that the wooded ravine land is not buildable and cannot be subdivided. The appraiser next described the three acres of wooded ravines as unusable excess land, which was not independently valued. The appraiser testified she developed a vacant land value for the subject using 2 to 4 acre land sales under the cost approach to value. However, the cost approach to value was not included in the appraisal report, but was retained in her personal work file. The subject's condition and deferred maintenance were also discussed. The appraiser agreed the comparables are smaller in size than the subject, but were the most similar comparable properties available at the time the report was prepared. The appraiser testified she adjusted the comparables for dwelling size differences. Finally, the appraiser could not explain why the subject's final value conclusion of $545,000 or $106.34 per square foot of living area including land is less than the comparables' adjusted sale prices on a per square foot basis, which ranged from $127.21 to $153.15 per square foot of living area including land.

Under redirect examination, the appraiser testified three sides of the subject lot have steep wooded ravines that cannot be built

upon. The appraiser testified although the subject's per square foot final value conclusion is less than the comparables, their overall adjusted sale prices support a value conclusion of $545,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of $201,360 was disclosed. The subject's assessment reflects an estimated market value of $631,223 or $123.17 per square foot of living area including land using Peoria County's three-year median level of assessments of 31.90% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted the same three comparable ales as detailed in the appraisal submitted by the appellants. For review, the comparables sold for prices ranging from $456,000 to $640,000 or from $116.33 to $161.21 per square foot of living area including land. The board of review argued the subject's assessment reflects an estimated market value of $604,080 or $117.86 per square foot of living area including land (using the statutory level of assessments of 33.33%), which falls at the lower end of the value range established the comparable sales. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

Under questioning, the board of review acknowledged it did not prepare or submit any independent written analysis or alternative value conclusion that would refute the $545,000 value conclusion as detailed in the appellants' appraisal report. Additionally, the board of review acknowledged it made no market adjustments to the comparables for the differences when compared to the subject.

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 appellants 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 appellants in this appeal submitted an appraisal estimating the subject property had a fair market value of $545,000 as of September 20, 2007, documenting only the sales comparison approach to value. The board of review merely submitted the same three unadjusted comparable sales that were detailed in the appellants' appraisal to support its assessment of the subject property. The board of review acknowledged it did not prepare or submit any independent written analysis or alternative value conclusion that would refute the appellants' appraiser's value

conclusion nor made any market adjustments to the comparables for differences when compared to the subject.

After reviewing the evidence, the Property Tax Appeal Board finds a reduction in the subject's assessment is warranted. However, the Board finds the appellants' appraiser's final value conclusion unpersuasive. More specifically, the Board finds the appraiser's opinion that three acres of the subject is unusable and therefore less valuable is not supported by any market evidence. The Board finds this aspect of the appraisal report is cornerstone to the appraiser's final value conclusion. The Board finds the conclusion that the three acres in contention are less valuable may be logical. Nevertheless, the appraiser failed to support her conclusion with similar vacant land sales or a paired sales analysis to support this value opinion. The appraiser testified she developed a vacant land value for the subject using 2 to 4 acre land sales under the cost approach to value. However, the cost approach to value was not included in the appraisal report, but was retained in her personal work file. As a result of this analysis, the Board finds the appraisal report lacked market evidence to support the large adjustments amounts for land value differences under the sales comparison approach to value.

The Property Tax Appeal Board further finds the comparable sales contained in this record sold for prices ranging from $456,000 to $640,000 or from $116.33 to $161.21 per square foot of living area including land. The subject's assessment reflects an estimated market value of $631,223 or $123.17 per square foot of living area including land, which falls within the range established by these comparable sales. However, the Board finds all the comparables are considerably smaller in size than the subject property and one comparable is considerably newer when compared to the subject. In addition, the record is un-refuted that the subject property suffers from deferred maintenance. After considering logical adjustments to the comparables for differences when compared to the subject, including the supported adjustments calculated by the appellants' appraiser, the Property Tax Appeal Board finds the subject property has a fair market value of $575,000 or $112.20 per square foot of living area including land. The Board further finds that accepted real estate theory provides as the size of real property increases, its per unit value decreases, which comports with this Board's final value conclusion regarding this appeal.

Based on this analysis, the Property Tax Appeal Board finds the appellants have proven that the subject property is overvalued by a preponderance of the evidence. Since fair market has been established, Peoria County's 2007 three-year median level of assessment of 31.90% 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.

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.