



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

APPELLANT: Kate Smart
DOCKET NO.: 07-00319.001-F-1
PARCEL NO.: 13-22-300-007

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

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:

F/Land:	\$1,135
Homesite:	\$5,550
Residence:	\$51,460
Outbuildings:	\$0
TOTAL:	\$58,145

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 52.61-acre parcel improved with a 33 year-old, one-story style frame dwelling that contains 2,128 square feet of living area. Features of the home include a fireplace, a full unfinished basement and a 572 square foot garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. The appellant did not contest the farmland portion of the subject's assessment. In support of the overvaluation argument regarding the subject's homesite and dwelling, the appellant submitted a brief letter. She claimed the "valuation of this property is limited to the amount of rent I can receive in any given year because the City of Peoria prohibits me from dividing the house off of the farm, preventing me from selling the house." The appellant claimed 2007 rental income for the house was \$8,400, insurance cost was

\$468.64 and taxes were \$3,318.50. She asserted the "gain" was \$5,550, which she then capitalized at a 9% return on equity. She contends the market value of the home is thus \$62,000, indicating an assessed value of \$21,000. The appellant submitted no appraisal, comparable sales, or other credible market data to support this value estimate. Based on this evidence, the appellant requested the subject's homesite assessment be reduced to \$5,550 and its improvement assessment be reduced to \$15,450.

During the hearing, the appellant testified she paid \$400,000 for 160 acres in November 2003, including the subject parcel. She also asserted that the City of Peoria granted variances for two properties, which allowed them to be subdivided, but denied such a variance for the subject. The appellant submitted no evidence regarding these two properties. She further testified the subject dwelling is in "F" condition, would need \$40,000 to \$50,000 in repairs to bring it up to "C" condition, and finally, that \$10,000 would need to be spent to remodel the bathroom.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$58,145 was disclosed. the subject's homesite and dwelling have an assessment of \$57,010, reflecting an estimated market value of \$171,614 or \$80.65 per square foot of living area including land. The subject has an estimated market value of \$175,030 or \$82.25 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 properties. The comparables consist of one-story style brick or frame dwellings that were built between 1965 and 1974. The comparables range in size from 1,104 to 2,261 square feet of living area and had features that include garages that contain from 480 to 675 square feet of building area. Two comparables have central air conditioning, one has a fireplace and all three had unfinished basements of 809 to 1,205 square feet. The comparables sold between October 2005 and December 2006 for prices ranging from \$158,000 to \$220,000 or from \$97.30 to \$144.02 per square foot of living area including land.

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 overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

The Board finds the appellant submitted limited evidence in support of the overvaluation contention. The appellant did not submit a complete income approach to value, but claimed the only value to the subject property is rental income for the subject dwelling. In 2007, the appellant claimed rental income for the house was \$8,400, insurance cost was \$468.64 and taxes were \$3,318.50. She asserted the "gain" was \$5,550, which she then capitalized at a 9% return on equity. She contends the market value of the home is thus \$62,000, indicating an assessed value of \$21,000. The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App3d 207 (1979), the court held that significant weight should not be placed on the cost or income approaches when market data is available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of valuing property for real estate tax purposes, the preferred method is the sales comparison approach. Since the record in this appeal contains credible market sales, the Board placed most weight on this evidence.

The Board gave less weight to two of the board of review's comparables because they were significantly smaller in living area when compared to the subject. The Board finds the board of review's comparable #1 was similar to the subject in design, living area and features and sold for \$220,000 or \$97.30 per square foot of living area including land. The subject's estimated market value as reflect by its assessment was \$175,030 or \$82.25 per square foot of living area including land, which is support by the board of review's most similar comparable. Therefore, the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Property Tax Appeal Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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: January 26, 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.