



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

APPELLANT: John Valentine
DOCKET NO.: 07-00390.001-R-1
PARCEL NO.: 14-16-477-011

The parties of record before the Property Tax Appeal Board are John Valentine, the appellant(s), by attorney Clyde B. Hendricks in Peoria, 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:

**LAND: \$9,810
IMPR.: \$54,520
TOTAL: \$64,330**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 17,024 square foot parcel improved with a one-story dwelling of brick construction containing 2,436 square feet of living area. The subject was built in 1957 and features central air-conditioning, a fireplace and a two-car garage.

The appellant, through counsel, appeared before the Property Tax Appeal Board contending the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument, the appellant submitted a grid analysis of three comparable sales and an analysis prepared by Vivian E. Hagaman, a formerly licensed appraiser. One of the three comparable sales was located in the same neighborhood code as the subject, as assigned by the local assessor. The comparables were one-story brick or brick and frame dwellings that were built from 1950 to 1964. Each comparable had a two or three-car garage. Two of the comparables had a basement of either 1,675 or 1,900 square feet, with some finished area. The comparables ranged in size from 2,000 to 2,467 square feet of

living area and had sold from April 2004 to April 2006 for prices ranging from \$140,000 to \$180,000 or from \$68.63 to \$82.50 per square foot of living area, including land. The appellant submitted the final decision issued by the Peoria County board of review establishing a total assessment for the subject of \$64,330, which reflects a market value of approximately \$193,648 or \$79.50 per square foot of living area including land, using the 2007 three-year median level of assessments for Peoria County of 33.22% as determined by the Illinois Department of Revenue.

Appellant's counsel called Vivian E. Hagaman as a witness. Hagaman testified that she prepared the data in this appeal. She inspected the subject in 2005. Hagaman testified that comparable #1 was sold by the owner and #2 and #3 were sold by a realtor. Hagaman argued that comparable sale #3, which had a sale date of 2004 could be adjusted upward by 3% per year for a total sale price of \$152,982 in 2007. Based on this evidence the appellant requested the subject's total assessment be reduced to \$60,460.¹

During cross-examination, Hagaman admitted comparable sale #3 was a bi-level improvement. In addition, she acknowledged the square footage for comparable #3 should be 2,440. Hagaman argued that the subject's market value should be between approximately \$182,580 and \$188,220, comparable #1 and #3. Hagaman acknowledged that comparable #3 sold in May 2005 for \$200,000. Hagaman further acknowledged that her compensation was based on the outcome of the hearing.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$64,330 was disclosed. In support of the assessment, the board of review submitted a grid analysis and property record cards detailing three suggested comparable sales. The lot sizes for each comparable were not disclosed. The comparables were one-story brick or frame dwellings built from 1940 to 1968 which were located in the same neighborhood code as the subject, as assigned by the local assessor. The homes ranged in size from 1,394 to 2,840 square feet of living area. Each of the comparables had a basement ranging from 697 to 1,432 square feet with one comparable having a finished recreation area. Each comparable had a garage of either 286 or 576 square feet of building area. The homes sold from July 2005 to July 2006 for prices ranging from \$149,900 to \$228,000 or from \$71.83 to \$107.53 per square foot of living area, including land.

During cross-examination, Gary Shadid, board of review member, acknowledged that comparable sale #1 represented a sale of both halves of a duplex.

¹ Hagaman changed the requested total assessment to reflect a market value of \$182,000 based on conversations with the local assessor.

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 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 (3rd Dist. 2002). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant in this appeal submitted three comparables sales. The board of review also submitted three comparable sales. The Board gave less weight to the appellant's comparables #2 and #3 because they were dissimilar to the subject in size and/or the sale date was too remote to aid in a determination of the subject's fair market value in 2007. Hagaman testified that comparable #3 could be adjusted upward 3% per year, however, the appellant failed to submit market data to support this annual increase. In addition, the Board gave less weight to Hagaman's testimony based on her compensation being contingent on the outcome of the appeal. The Board also gave less weight to the board of review's comparable #1 and #3 because they were dissimilar to the subject in style/use and or size. The Board gave more weight to the appellant's comparable #1 and the board of review's comparable #2. These two comparables sold in July 2005 and May 2006 for \$72.96 and \$83.39 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$79.50 per square foot of living area including land, which is supported by the most similar comparables contained in this record. Based on this analysis, the Board finds the subject's estimated market value as reflected by its assessment is not excessive.

In conclusion, the Board finds the appellant has not demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and a reduction 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerski

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 23, 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.