



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

APPELLANT: Jerry Carter
DOCKET NO.: 07-00449.001-R-1
PARCEL NO.: 08-15-280-004

The parties of record before the Property Tax Appeal Board are Jerry Carter, the appellant, 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: \$ 18,280
IMPR.: \$ 83,660
TOTAL: \$ 101,940**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story, part-brick dwelling containing 2,780 square feet of living area. The dwelling was built in 1997. Features include a basement, central air conditioning, a fireplace and a garage.

The appellant did not submit page two of the appeal form on which an appellant declares the basis of appeal. The appellant submitted evidence before the Property Tax Appeal Board on both sale prices and assessments and the Board assumes the appeal is based on both overvaluation and assessment equity.

In support of the overvaluation claim the appellant submitted sale information on three comparable properties. The appellant's comparables consist of two-story, part-brick dwellings. They were built in 2000 or 2007. They contain 2,780 or 2,782 square feet of living area. All have basements, garages, central air conditioning and fireplaces. The comparables sold in July 2005 or July 2007 for \$288,000 to \$303,000 or \$103.60 to \$108.91 per square foot of living area including land.

With respect to the appellant's contention of unequal treatment in the assessment process, the appellant submitted information on the same three comparable properties. The comparables have

improvement assessments ranging from \$28.58 to \$29.00 per square foot of living area. The subject's improvement assessment is \$30.09 per square foot of living area.

The appellant asked for and received multiple extensions to file additional evidence, but no additional evidence was received by the Board. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$101,940 was disclosed. The subject's assessment reflects an estimated market value of \$306,863 or \$110.38 per square foot of living area including land using Peoria County's 2007 three-year median level of assessments of 33.22%.

In support of the subject's assessment the board of review presented descriptions, sale price information and assessment information on six comparable properties. They consist of two-story, part-brick dwellings that were built from 1997 to 2005. The dwellings have 2,654 to 2,853 square feet of living area. All have basements, garages, central air conditioning and fireplaces. The board of review's comparables sold from August 2005 to July 2008 for \$315,000 to \$397,000 or \$115.55 to \$147.04 per square foot of living area including land. The board of review did not fill out the assessment information for the comparables on the grid sheet, but the backup information supplied by the board of review provided the basic assessment data to calculate the per-square-foot assessments for the comparables. Their improvement assessments range from \$32.09 to \$39.64 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record 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's assessment is not warranted.

The appellant argued the subject 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). After an analysis of the evidence, the Board finds the appellant has not met this burden.

The appellant also contended unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden either.

The record contains information on sales and assessments of the nine suggested comparable properties for the Board's consideration. With respect to the comparable sales, all nine comparables are quite similar to the subject and sold for \$288,000 to \$397,000 or \$103.60 to \$147.04 per square foot of living area including land. The subject's estimated market value of \$306,863 or \$110.38 per square foot of living area including land is well within the range of the nine comparables and is lower than six of them. After considering the evidence the Board finds the appellant has not proven by a preponderance of the evidence that the subject is overvalued and no reduction is warranted on that basis.

With respect to the assessment equity evidence, the nine comparables have improvement assessments that range from \$28.58 to \$39.64 per square foot of living area. The subject's improvement assessment of \$30.09 per square foot of living area is well within that range and is lower than six of the comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not warranted on that basis either.

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 P. 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: December 3, 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.