



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

APPELLANT: Tim & Jean Finefield
DOCKET NO.: 07-00560.001-R-1
PARCEL NO.: 13-14-176-009

The parties of record before the Property Tax Appeal Board are Tim & Jean Finefield, the appellants; 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: \$ 18,870
IMPR.: \$ 74,880
TOTAL: \$ 93,750**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story frame and brick dwelling containing 2,737 square feet of living area. The dwelling was built in 1990. Features include an unfinished basement, three full baths, central air conditioning, a fireplace, and a three-car garage.

The appellants seek relief based on both overvaluation and assessment equity. In a letter accompanying the appeal form the appellants object to a 13.25 percent increase in the assessment of the subject for the 2007 tax year in light of local and national real estate market conditions.

In support of the overvaluation claim the appellants submitted sales information on four comparable properties. They are located near the subject. The appellants' comparables consist of two-story frame or frame and brick dwellings. They were built from 1989 to 1991. They contain 2,492 to 2,795 square feet of living area. Each has a basement with a finished area, two and one-half baths, central air conditioning, a fireplace and a two-car or three-car garage. Two of the comparables sold in June 2006 and September 2007 for \$250,000 and \$261,000, and the other two were listed for sale for \$269,000 and \$279,900. The sale

prices and listing prices range from \$90.65 to \$109.68 per square foot of living area including land.

With respect to the appellants' contention of unequal treatment in the assessment process, the appellants submitted information on the same four comparable properties. The comparables have improvement assessments ranging from \$24.58 to \$30.05¹ per square foot of living area. The subject's improvement assessment is \$27.36 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$93,750 was disclosed. The subject's assessment reflects an estimated market value of \$282,210 or \$103.11 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 five comparable properties. However, the board of review's comparables #1 and #2 are the same properties as the appellant's comparables #1 and #2. The board of review's other three comparables consist of one-story or two-story frame and brick dwellings that were built from 1990 to 2005. These three dwellings have 2,188 to 2,745 square feet of living area. All have basements, and two of those have recreation areas. All have central air conditioning and two-car or three-car garages. Two have fireplaces. They have two or three full baths and zero, one or two half baths. These three comparables sold from September 2005 to April 2007 for \$256,500 to \$275,000 or \$98.50 to \$125.69 per square foot of living area including land. The improvement assessments for these three comparables range from \$27.27 to \$29.72 per square foot of living area. According to a map provided by the board of review, all of its comparables are located very near the subject except comparable #5, which is 0.64 mile away. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellants repeated their request that the 13.25 percent increase in assessment from 2006 to 2007 be rescinded. The appellants complained that the board of review's submission of evidence didn't embrace the appellants' submission of national and local housing market information. The appellants also complained that the board of review was using "guilt by association" because the board of review only looked at recent sales with finished basements, and the subject does not have a finished basement.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the

¹ The appellant's grid sheet indicated an improvement assessment of \$25.38 per square foot for comparable #4, but the improvement assessment of \$76,700 divided by 2,552 square feet of living area yields \$30.05 per square foot.

parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

At the outset, the Board must make clear the purpose of the instant inquiry. The purpose of an appeal before the Board is to determine whether an assessment is proper in terms of the market value represented by the assessment and/or to determine whether the assessment is equitable compared to the assessment of similar properties. It is not the purpose of an appeal to decide whether an increase in the assessment of a property should be rolled back to a previous level. The previous level might have undervalued the property or might have under assessed the property compared to similar properties. On the other hand, the previous level might have overvalued the property or over assessed the property compared to similar properties. The inquiry of the Board always is whether the current assessment for the subject property on the assessment date is proper in terms of valuation and/or equity. In making that determination, the Board looks at evidence in the record pertaining to the subject and the comparable properties offered by the parties and not to trends or statistics reported in the media.

The appellants 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 appellants have not met this burden.

The record contains information on sales or offerings for sale and assessments of seven suggested comparable properties for the Board's consideration. The board of review's comparable #5 differs from the subject in age, design and size, and the Board gives it little weight in the Board's analysis. The remaining six comparables are similar to the subject in nearly every property characteristic. The exceptions are discussed later in this paragraph. The six comparables sold or were listed for \$250,000 to \$279,900 or \$90.65 to \$109.68 per square foot of living area including land. The subject's estimated market value of \$282,210 or \$103.11 per square foot of living area including land is well within that range on a per-square-foot basis and is lower than two of the appellants' own comparables. The subject property does not have a finished basement, and the comparables do have finished areas in their basements. However, the subject has three full baths while five of the six comparables have only two and one-half baths. Also, the subject has a three-car garage, and two of the comparables only have two-car garages. There is no evidence in the record to indicate the market value of a given area of finished basement or of a full rather than half bath or a three-car rather than a two-car garage. Certainly, there is no evidence in the record that the market value of a finished basement is equal to 13.25 percent of the value of a property and/or that the board of review increased the assessment of the subject from 2006 to 2007 because of a belief that the subject has a finished basement. The property record

card for the subject offered in the board of review's evidence shows no indication the subject has a finished basement. After considering the evidence the Board finds the appellants have not proven by a preponderance of the evidence that the subject is overvalued and no reduction is warranted on that basis.

The appellants also contended unequal treatment in the subject's improvement assessment as a basis for 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 appellants have not met this burden either.

With respect to the assessment equity evidence, the six similar comparables have improvement assessments that range from \$24.58 to \$30.05 per square foot of living area. The subject's improvement assessment of \$27.36 per square foot of living area is well within the range established by the comparables and is lower than two of appellants' own 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 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 21, 2011

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.