



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

APPELLANT: Kathy & Victor Johnson
DOCKET NO.: 07-01023.001-R-1
PARCEL NO.: 18-07-452-013

The parties of record before the Property Tax Appeal Board are Kathy & Victor Johnson, 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: \$880
IMPR: \$7,120
TOTAL: \$8,000**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling containing 720 square feet of living area that was built in 1951. The subject dwelling is in fair-plus condition and has a quality grade assigned by the assessor of C-5.

The appellants appeared before the Property Tax Appeal Board through counsel claiming overvaluation as the basis of the appeal. At the commencement of the hearing, the appellants' counsel agreed that the assessment appeal is comprised of a residential investment rental property wherein the market approach to value using sales of comparable properties was employed to show the subject's assessment was incorrect. Counsel also acknowledged that while the grid analysis data submitted on behalf of the appellant included land and improvement assessment information for the comparables, there was no argument being made with regard to alleged inequity of assessments.

Appellants' first witness was William Leroy, who prepared the data presented in the grid analysis. Leroy testified that he is

a full-time realtor with 25 years experience; during that time he has occasionally done "tax protesting" with the greatest workload in the quadrennial reassessment years. From time to time, Leroy performs this "tax protesting" work with Robert O. Kaiser. Leroy is not a licensed appraiser and does not have any appraisal designations. Based on his professional experience, Leroy contended that investment properties are generally harder to sell because they are in poorer areas, are generally not well maintained, and there is a limited pool of buyers who may be purchasing with cash.

Under cross-examination, Leroy addressed his fee arrangement testifying that his fee is "based on success" (i.e., contingent on the outcome of the appeal) if he does a "good" job he gets paid and if he does a "poor" job he does not get paid.¹ Leroy was also asked about the nature of the sales comparables which were presented: were these foreclosures, bulk sales, estate sales, sales sold by court order, or financial institutions.

As set forth in the grid analysis in support of the overvaluation argument, the appellant submitted information on three sales comparables. The properties were improved with one-story frame or masonry dwellings that were built between 1910 and 1949. One comparable has an unfinished basement containing 200 square feet. Each comparable has a one-car garage. The comparables have quality grades assigned by the assessor of E, D+5 and D-10 and are all reported to be in fair condition. The dwellings range in size from 546 to 884 square feet of living area. The comparables sold from October to December 2006 for prices ranging from \$4,000 to \$6,000 or from \$4.87 to \$9.15 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$5,520 or to reflect an estimated market value of \$16,617.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$8,000 was disclosed. The subject's assessment reflects an estimated market value of \$24,082 or \$33.45 per square foot of living area including land using the 2007 three-year median level of assessments for Peoria County of 33.22%.

In support of the subject's assessment, the board of review presented descriptions and sales data on three comparable properties located in relatively close proximity to the subject. The comparables consist of one-story frame dwellings that were built in either 1949 or 1950. Two comparables have central air conditioning; and one comparable has a garage containing 352 square feet of building area. The dwellings contain either 720 or 780 square feet of living area. The comparables have quality grades assigned by the assessor of D+5 and are reported to be in fair condition. These comparables sold from October 2007 to June

¹ Attorney Hendricks indicated that he is compensated for his time on the appeal.

2008 prices ranging from \$25,000 to \$32,000 or from \$32.00 to \$40.38 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, Leroy testified that the board of review's comparable one was not an arm's-length transaction, and comparable 2 and 3 were superior to the subject.

After hearing the testimony and reviewing the record, 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 appellants contend the assessment of the subject property is excessive and not reflective of its market value. 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 evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of six comparable sales for the Board's consideration. The Board gave less weight to appellants' comparables due to differences in size from the subject property and/or location. The Board finds the board of review's comparables were similar to the subject in size, location, exterior construction and most other features. For these reasons, the Board gave most weight to these comparables in its analysis. These comparables sold from October 2007 to June 2008 for prices between \$32.00 and \$40.38 per square foot of living area, including land. The subject's assessment reflects a market value of estimated market value of \$24,082 or \$33.45 per square foot of living area, including land. The Board finds the subject's assessment reflects a market value that falls between the range established by the most similar comparables on a per square foot basis. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is appropriate 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: June 18, 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.