



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

APPELLANT: Harold Simmons
DOCKET NO.: 07-01032.001-R-1
PARCEL NO.: 14-33-479-013

The parties of record before the Property Tax Appeal Board are Harold Simmons, 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: \$ 2,080
IMPR.: \$ 10,520
TOTAL: \$ 12,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 988 square feet of living area. The dwelling was built in 1915. Features of the home include a full basement and a garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the claim the appellant submitted information on three comparable properties. They are located in areas with a different neighborhood number as the subject, and the appellant did not indicate how close their locations are to the subject. They consist of one-story frame dwellings that were built from 1860 to 1926 and contain 624 to 875 square feet of living area. Two have basements, two have garages, and two have central air conditioning. One is identified as being in poor condition. The comparables sold from November 2006 to June 2007 for prices ranging from \$7,500 to \$21,500 or \$11.16 to \$24.57 per square foot of living area including land. 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 \$12,600 was disclosed. The subject's assessment reflects an estimated market

value of \$37,929 or \$38.39 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 and sale price information on three comparable properties. They are located in an area with the same neighborhood number as the subject. They consist of one-story or two-story, frame or stucco dwellings that were built in 1914 or 1924. The dwellings have 960 to 1,536 square feet of living area. All have basements, two have garages, and two have central air conditioning. The board of review's comparables sold from August 2006 to October 2007 for prices ranging from \$57,000 to \$65,000 or from \$40.95 to \$59.38 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant submitted listing sheets related to the board of review's comparables, highlighted some superior aspects of some of the board of review's comparables and indicated the board of review's comparable #3 resold in 2009 for \$20,000. The appellant also argued that it is unfair to compare owner-occupied homes with rental properties such as the subject.

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 record contains six suggested comparable sales for the Board's consideration. The appellant's comparables are not located in an area with the same neighborhood number as the subject, and the appellant did not provide an indication of how near they are to the subject. Also, the appellant's comparables #1 and #2 are much smaller than the subject, #1 is much older than the subject and #2 is identified as being in poor condition. The board of review's comparables are located in the same neighborhood area as the subject, but comparables #1 and #2 have living areas more than 50 percent larger than the subject. The Board finds the best overall comparable to the subject is the board of review's comparable #3, which is located in the same neighborhood area and is close in size to the subject. It had a selling price of \$59.38 per square foot of living area including land, which is considerably higher than the assessment-based estimated value of the subject of \$38.39 per square foot. Also, the assessment sheets provided by the board of review for its comparable #3 indicated it had previously sold in November 2005 for \$37,800 or \$39.37 per square foot, slightly higher than the

per-square-foot estimated value of the subject. The appellant provided evidence that the board of review's comparable #3 resold in January 2009 for \$20,000. However, at that time a bank owned the property. The market for bank-owned properties in 2009 may have been quite different than the market for properties such as the subject on the January 2007 assessment date. 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.

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. Guit

Chairman

Member

Mario M. Louie

Member

Member

William 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: September 24, 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.