



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

APPELLANT: James & Diane Foster
DOCKET NO.: 07-01058.001-R-1
PARCEL NO.: 14-33-476-066

The parties of record before the Property Tax Appeal Board are James & Diane Foster, the appellants, 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: \$ 2,720
IMPR.: \$ 17,180
TOTAL: \$ 19,900

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 1,550 square feet of living area. The dwelling was built in 1929. Features of the home include a basement, central air conditioning and a garage.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the claim the appellants submitted information on three comparable properties. They are located in areas with different neighborhood numbers than the subject, and the appellant did not indicate how close their locations are to the subject. They consist of one and one-half story frame dwellings that were built in 1910 or 1925 and contain 1,293 to 2,046 square feet of living area. All have basements, two have garages, and one has central air conditioning. The comparables sold from December 2006 to August 2007 for \$14,500 or \$17,000 or \$8.30 to \$11.21 per square foot of living area including land. All of the appellant's comparables were listed for sale "as is." 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 \$19,900 was

disclosed. The subject's assessment reflects an estimated market value of \$59,904 or \$38.65 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 brick dwellings. They were built in 1924. The dwellings have 1,514 to 1,633 square feet of living area. All have basements and garages, and two have central air conditioning. The board of review's comparables sold from January 2006 to October 2007 for prices ranging from \$62,000 to \$80,000 or from \$40.95 to \$48.99 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellants submitted listing sheets for the board of review's comparables that highlighted their updates and amenities. The appellants 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 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 six suggested comparable sales for the Board's consideration. The Board finds the appellants' comparables should be given less weight because it is not clear where they are located with respect to the subject. The board also finds the board of review's comparables #2 should be given less weight it is a two-story dwelling. The remaining comparables, the board of review's comparables #1 and #3, are similar to the subject in most respects. They had selling prices of \$62,000 and \$80,000 or \$40.95 and \$48.99 per square foot of living area including land. The subject's estimated market value is lower at \$59,904 or \$38.65 per square foot of living area including land. 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.