



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

APPELLANT: Jack Hinton
DOCKET NO.: 07-01072.001-R-1
PARCEL NO.: 18-03-104-042

The parties of record before the Property Tax Appeal Board are Jack Hinton, 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 a reduction 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: \$2,740
IMPR: \$5,165
TOTAL: \$7,905**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one and one-half story dwelling of frame construction containing 1,078 square feet of living area. The dwelling was built in 1928. Features of the home include a basement, a fireplace 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. Two 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, one has central air conditioning, and two have garages. 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. Two of the appellant's comparables were lender-owned, and all were listed to be sold "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 \$11,600 was

disclosed. The subject's assessment reflects an estimated market value of \$34,919 or \$32.39 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 frame dwellings. They were built in 1915 or 1932. The dwellings have 770 or 800 square feet of living area. All have basements, and one has a garage. The board of review's comparables sold in December 2005 or February 2006 for prices ranging from \$17,500 to \$28,000 or from \$21.88 to \$36.36 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 for the board of review's comparables that highlighted their updates and amenities. The appellant suggested a value of \$22 per square foot for the subject. 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 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 met this burden.

The record contains six suggested comparable sales for the Board's consideration. The Board finds each of the comparables has shortcomings in comparability to the subject. A shortcoming that all the comparables share is a difference in size from the subject. The appellant's comparable #3 was so much larger than the subject that it is given little weight in the Board's analysis. The appellant's remaining comparables are somewhat larger than the subject and had selling prices of \$10.11 and \$11.21 per square foot of living area including land. The board of review's comparables are somewhat smaller than the subject and had selling prices that ranged from \$21.88 to \$36.36 per square foot. All other things being equal, values are generally lower per square foot for larger buildings and higher per square foot for smaller buildings. The subject's size is in between the sizes of the appellant's comparables and the board of review's comparables. However, the subject's assessment-based estimated value is \$32.39 per square foot of living area including land, which is at the upper end of the range for the board of review's smaller comparables. In the rebuttal the appellant suggested a

valuation of \$22 per square foot for the subject. This would put it at the lower end of the valuations of the board of review's smaller comparables. After considering the evidence the Board finds a preponderance of the evidence indicates the subject is overvalued and a 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

Mark Morris

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.