



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

APPELLANT: James & Diane Foster
DOCKET NO.: 07-01132.001-R-1
PARCEL NO.: 18-05-279-003

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: \$3,010
IMPR.: \$17,200
TOTAL: \$20,210**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story or one and one-half story dwelling of frame construction containing either 1,335 or 1,781 square feet of living area. The dwelling was built in 1921. Features include a basement, central air conditioning, a fireplace and a garage.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. The appellants contend the subject is a one and one-half story dwelling with 1,335 square feet of living area on the main floor and 446 square feet on the second floor. In support of the claim of overvaluation the appellants submitted information on four comparable properties. The appellants' comparables consist of one and one-half story or two-story frame dwellings. They were built from 1914 to 1924. They contain 1,400 to 1,632 square feet of living area. All have basements, two have central air conditioning, two have fireplaces and two have garages. The comparables sold from January to December 2006 for \$13,500 to \$43,000 or \$8.52 to \$26.34 per square foot of living area including land using. Based on this evidence, the appellants 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 \$20,210 was disclosed. The subject's assessment reflects an estimated market value of \$60,837 using Peoria County's 2007 three-year median level of assessments of 33.22%. That is \$34.16 per square foot of living area including land using the appellants' living area of 1,781 square feet and \$45.57 per square foot of living area including land using the board of review's 1,335 square feet of living area.

In support of the subject's assessment the board of review presented descriptions and sale price information on three comparable properties. They consist of one-story frame dwellings that were built from 1918 to 1930. The dwellings have 985 to 1,451 square feet of living area. All have basements and garages, two have central air conditioning, and one has a fireplace. The board of review's comparables sold from March to August 2006 for \$40,000 to \$87,500 or for \$40.61 to \$60.30 per square foot of living area. The board of review contends the subject is a one-story dwelling with 1,335 square feet 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 related to the board of review's comparable properties and highlighted differences between the subject and the board of review's comparables. 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 of review's comparable #1 is significantly smaller than the subject regardless of whether the subject has 1,335 or 1,781 square feet of living area. The other five comparables all have some similarities to and some differences from the subject. None stands out as significantly more like the subject than others. They had selling prices of \$13,500 to \$87,500 or \$8.52 to \$60.30 per square foot of living area including land. The subject's estimated market value of \$60,837 is \$34.16 or \$45.57 per square foot of living area including land depending on whether the subject has 1,781 or 1,335 square feet of living area, respectively. The subject's estimated per-square-foot value is within the range of the

comparables regardless of which size of the subject is used for analysis. 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.

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. 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: October 22, 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.