



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

APPELLANT: James & Diane Foster  
DOCKET NO.: 07-01145.001-R-1  
PARCEL NO.: 14-33-253-041

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 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: \$2,500  
IMPR.: \$13,612  
TOTAL: \$16,112**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story dwelling of frame construction containing 1,114 square feet of living area. The dwelling was built in 1930. Features of the home include a basement 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 the sale of the subject in November 2006 for \$48,500. The information supplied by the appellants indicates the sale was not between family or related corporations. The appellants indicated on the residential appeal form that the subject was advertised through a multiple listing for 96 days prior to sale.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$20,150 was disclosed. The subject's assessment reflects an estimated market value of \$60,656 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. The board of review did not provide any evidence to refute the arm's-length nature of the sale of the subject. 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 subject and some of the board of review's comparables and highlighted their condition 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 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 (2<sup>nd</sup> Dist. 2000). After an analysis of the evidence, the Board finds the burden has been met.

The appellants provided evidence of a recent sale of the subject to demonstrate that it is overvalued. The evidence indicated the subject was advertised through MLS for 96 days prior to sale for \$48,500 on November 30, 2006. The board of review provided sales prices and property characteristics for three comparable properties in support of the subject's assessment. However, the board of review did not provide any evidence to refute the arm's-length nature of the sale of the subject. The Board finds the market value of the subject is the \$48,500 sale price of the subject. The appellant indicated renovations were made by the appellants prior to occupancy in March 2007, but the subject wasn't purchased until November 30 and there is no evidence that any renovations were in place by the January 1 assessment date. The Board finds the subject's total assessment should be the market value of \$48,500 multiplied by Peoria County's 2007 three-year median level of assessments of 33.22%, or \$16,112. After considering the evidence the Board finds the appellants have proven by a preponderance of the evidence that 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. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

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.