



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

APPELLANT: Lyle Fricke
DOCKET NO.: 07-01178.001-R-1
PARCEL NO.: 14-32-258-045

The parties of record before the Property Tax Appeal Board are Lyle Fricke, 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: \$2,710
IMPR.: \$10,545
TOTAL: \$13,255**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 864 square feet of living area. The dwelling was built in 1921. Features include a two-car garage. Because of internally inconsistent filings by both parties, it is unclear whether the subject has a basement.

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 a different neighborhood code area than the subject, and the appellant did not indicate their proximity to the subject. The appellant's comparables consist of one-story or one and one-half story frame dwellings. They were built from 1895 to 1936. They contain 808 to 960 square feet of living area. All have basements, and one has central air conditioning and a one-car garage. The comparables sold in November 2006 or July 2007 for \$23,500 to \$30,000 or \$24.47 to \$37.12 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 \$14,740 was

disclosed. The subject's assessment reflects an estimated market value of \$43,371 or \$51.36 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 the same neighborhood code area as the subject. They consist of one-story frame or brick dwellings that were built from 1920 to 1927. The dwellings have 894 to 1,122 square feet of living area. All have basements and garages. The board of review's comparables sold from February 2005 to November 2006 for \$60,000 to \$72,000 or \$59.71 to \$80.54 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 indicated the subject was on the market of the assessment date for \$39,900 and did not sell in nearly a year on the market. The appellant also highlighted differences between the subject and the board of review's comparables and 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 appellant's comparable #3 is of a different style than the subject, the board of review's comparable #1 is about 30 percent larger than the subject, and the sale of the board of review's comparable #2 was nearly two years prior to the assessment date. The remaining comparables were generally similar to the subject and had selling prices that range from \$27,000 to \$72,000 or \$31.25 to \$80.54 per square foot of living area including land. The subject's estimated market value of \$43,371 or \$51.36 per square foot of living area including land is near the middle of that range and is much lower than the selling price of the board of review's comparable located in the same neighborhood code area. However, the appellant provided an MLS listing sheet that indicated the subject was on the market for 350 days including the assessment date at a listing price of \$39,900. The Board finds the listing price sets the upper bound of the market value of the subject. The Board finds the subject's total assessment should be the market value of \$39,900 multiplied by Peoria County's 2007 three-

year median level of assessments of 33.22%, or \$13,255. After considering the evidence the Board finds the appellant has 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.