



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

APPELLANT: Roger Heim
DOCKET NO.: 07-01183.001-R-1
PARCEL NO.: 14-35-351-032

The parties of record before the Property Tax Appeal Board are Roger Heim, the appellant(s), 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: \$1,370
IMPR.: \$8,900
TOTAL: \$10,270

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling containing 1,374 square feet of living area that was built in 1910. The subject dwelling is in fair condition and has a quality grade assigned by the assessor of D+5.

The appellant appeared before the Property Tax Appeal Board through counsel claiming overvaluation as the basis of the appeal. At the commencement of the hearing, the appellant's counsel agreed that the assessment appeal is comprised of a residential investment rental property wherein the market approach to value using sales of comparable properties was employed to show the subject's assessment was incorrect. Counsel also acknowledged that while the grid analysis data submitted on behalf of the appellant included land and improvement assessment information for the comparables, there was no argument being made with regard to alleged inequity of assessments.

Appellant's first witness was William Leroy, who prepared the data presented in the grid analysis. Leroy testified that he is

a full-time realtor with 25 years experience; during that time he has occasionally done "tax protesting" with the greatest workload in the quadrennial reassessment years. From time to time, Leroy performs this "tax protesting" work with Robert O. Kaiser. Leroy is not a licensed appraiser and does not have any appraisal designations. Based on his professional experience, Leroy contended that investment properties are generally harder to sell because they are in poorer areas, are generally not well maintained, and there is a limited pool of buyers who may be purchasing with cash.

Under cross-examination, Leroy addressed his fee arrangement testifying that his fee is "based on success" (i.e., contingent on the outcome of the appeal) if he does a "good" job he gets paid and if he does a "poor" job he does not get paid.¹ Leroy was also asked about the nature of the sales comparables which were presented: were these foreclosures, bulk sales, estate sales, sales sold by court order, or financial institutions.

As set forth in the grid analysis in support of the overvaluation argument, the appellant submitted information on three sales comparables. The properties were improved with 1.5 or two-story frame dwellings that were built in either 1900 or 1920. Each comparable has an unfinished basement ranging from 127 to 850 square feet. Two comparables have a garage. The comparables have quality grades assigned by the assessor of D+1, D+5 or C-1 and are all reported to be in fair condition. The dwellings range in size from 1,294 to 2,409 square feet of living area. The comparables sold from October 2006 to May 2007 for prices ranging from \$8,500 to \$12,000 or from \$3.52 to \$6.95 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$4,800 or to reflect an estimated market value of \$14,449.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$10,270 was disclosed. The subject's assessment reflects an estimated market value of \$30,915 or \$22.50 per square foot of living area including land using the 2007 three-year median level of assessments for Peoria County of 33.22%.

In support of the subject's assessment, the board of review presented descriptions and sales data on three comparable properties located in the same neighborhood as the subject. The comparables consist of one-story frame dwellings that were built from 1910 to 1930. One comparable has a fireplace, and two comparables have a garage. Each comparable has an unfinished basement ranging from 408 to 1,148 square feet of basement area. The dwellings contain from 988 to 1,377 square feet of living area. The comparables have quality grades assigned by the assessor of either D+5 or C-5 and are reported to be in average

¹ Attorney Hendricks indicated that he is compensated for his time on the appeal.

or fair condition. These comparables sold from May 2005 to January 2006 for prices ranging from \$27,500 to \$45,000 or from \$19.97 to \$40.38 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that earlier sales of the board of review's comparables depict lower sales prices.

After hearing the testimony and reviewing the record, 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 appellant contends the assessment of the subject property is excessive and not reflective of its market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of six comparable sales for the Board's consideration. The Board gave less weight to appellant's comparables 1 and 3 because of their size difference when compared to the subject. In addition, the Board gave less weight to the board of review's comparables 2 and 3 because their date of sale was too remote for a 2007 assessment date. The Board gave more weight to the appellant's comparable 2 and the board of review's comparable 1. These two comparables were most similar to the subject in size, exterior and location. They sold in January and October 2006 for either \$9,000 or \$45,000 or \$6.95 or \$35.57 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$30,915 or \$22.50 per square foot of living area, including land.

The Board finds the subject's assessment reflects a market value that falls between the range established by the most similar comparables on a per square foot basis. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is appropriate and a reduction is not 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. Lerski

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: June 18, 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.