



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

APPELLANT: Jeff Shoumaker  
DOCKET NO.: 07-01256.001-R-1  
PARCEL NO.: 18-04-277-015

The parties of record before the Property Tax Appeal Board are Jeff Shoumaker, 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** \$2,360  
**IMPR.:** \$7,792  
**TOTAL:** \$10,132

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 107 year old, one-story style frame dwelling that contains 1,442 square feet of living area. Features of the home include a partial unfinished basement and a 280 square foot detached garage.

Through his attorney, the appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument, the appellant submitted the subject's property record card and a settlement statement detailing the subject's sale in September 2005 for \$30,500. The appellant indicated the subject was advertised through Multiple Listing Service (MLS) and sold through a realtor. Based on this evidence, the appellant requested the subject's assessment be reduced to \$10,170 to reflect its 2005 sale.

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. Leroy testified he was familiar with the subject's neighborhood and opined it had not experienced any significant change between the subject's September 2005 sale and its January 1, 2007 assessment date.

The second witness called by appellant was Robert O. Kaiser who assisted Leroy in gathering the comparable data. Kaiser is not an appraiser and has no appraisal designations; he was a real estate agent until March 31, 2008, but his primary profession is as a certified public accountant. Kaiser has bought and sold hundreds of houses in the local Peoria real estate market over the past 25 years through various companies he has owned.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$11,940 was disclosed. The subject has an estimated market value of \$35,942 or \$24.93 per square foot of living area including land, as reflected by its assessment and Peoria County's 2007 three-year median level of assessments of 33.22%.

In support of the subject's assessment, the board of review submitted property record cards and a grid analysis of three comparable sales located in the same assessor's assigned neighborhood code as the subject. The comparables consist of one-story style frame dwellings that were built between 1900 and 1916 and range in size from 1,287 to 1,659 square feet of living area. All three comparables have unfinished basements, two have garages that contain 216 or 378 square feet of building area and one has central air conditioning. These properties were considered to be in fair or average condition and had quality grades of C+5 or D+5. The comparables sold between November 2006 and September 2007 for prices ranging from \$44,900 to \$85,100 or from \$34.89 to \$57.58 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment be confirmed.

The board of review called City of Peoria Township assessor Max Schlafley to testify. The witness agreed the subject's neighborhood had not increased in value overall between the subject's 2005 sale and the January 1, 2007 assessment date, but he opined that if the subject had been rehabilitated, it would increase in value. However, the record in this appeal disclosed that none of the witnesses called by either party knew of any updates or remodeling done to the subject.

After hearing the testimony 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 property's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted information detailing the subject's September 2005 sale for \$30,500. The board of review submitted three comparable sales that were generally similar to the subject in most respects. While Schlafley testified the subject's market value could have increased had remodeling been done to it, the record in this appeal disclosed that none of the witnesses called by either party had visited the subject or was aware of any remodeling or updating done to it. The board of review submitted three comparable sales located in the same assessor's assigned neighborhood code as the subject. The comparables were similar to the subject in most respects and sold for prices ranging from \$34.89 to \$57.58 per square foot of living area including land.

However, the record disclosed the subject sold just 15 months prior to its January 1, 2007 assessment date in what appears to be an arm's-length transaction. The subject was advertised for sale through MLS and sold through a realtor. The board of review made no claim that the parties to the sale were related, or submitted any evidence to challenge the arm's-length nature of the sale. No party or witness in this appeal was aware of any remodeling done to the subject that could have increased its value. Both Schlafley and Leroy testified the subject's neighborhood had not experienced any increase in value between the subject's sale and the assessment date at issue. Therefore, the Property Tax Appeal Board finds the best evidence of the subject's market value in this record is its September 2005 sale for \$30,500. Since market value has been established, the 2007 Peoria County three-year median level of assessments of 33.22% shall apply.

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

*Frank J. Huff*

Member

Member

*Mario M. Louie*

*Shawn R. Lerski*

Member

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: May 21, 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.