



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

APPELLANT: Billy Mathis  
DOCKET NO.: 07-01262.001-R-1  
PARCEL NO.: 18-03-229-001

The parties of record before the Property Tax Appeal Board are Billy Mathis, the appellant, by attorney Clyde B. Hendricks of 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:** \$1,430  
**IMPR:** \$6,950  
**TOTAL:** \$8,380

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story frame single-family dwelling which was built in 1900. The dwelling has a part concrete slab and part crawl-space foundation. The dwelling contains 1,148 square feet of living area and 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 was employed to show the subject's assessment was incorrect. Counsel also acknowledged that the grid analysis

data submitted on behalf of the appellant included land and improvement assessment information for the comparables, but 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.<sup>1</sup> 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.

On re-direct examination with regard to repossession resales, Leroy testified that any property that is listed and exposed to the open market where offers and counteroffers could be made for the purchase of a property would be a valid sale for consideration. Leroy testified that unlike in the past when repossessed properties were handled directly by the bank, the current practice is to have third-party companies handle the repossessed properties, which are advertised through the Multiple Listing Service thereby making them available and "on the market." Leroy further contended that as long as the sale was not between related parties, the sale would qualify as an arm's-length transaction, regardless of the number of days listed on the market. He did acknowledge, however, that the third-party company will reduce the listing price the more days the property sits on the market.

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

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<sup>1</sup> Attorney Hendricks indicated that he is compensated for his time on the appeal.

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.

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 one, one and one-half-story and two, one-story frame dwellings that were built between 1920 and 1930. Two comparables have unfinished basements ranging in size from 112 to 576 square feet of building area. One comparable has a garage. The comparables have quality grades assigned by the assessor of D+5 and D-10; two were reported to be in poor condition and one was reported to be in fair condition. The dwellings range in size from 540 to 1,048 square feet of living area. The comparables sold between April 2007 and August 2007 for prices ranging from \$7,500 to \$10,000 or from \$7.15 to \$18.51 per square foot of living area including land. During testimony, Leroy noted that comparable #3 was "a terrible comp" based on its size of 540 square feet of living area. Leroy further testified that comparables #1 and #2 were repossession sales which were on the market for 63 and 19 days, respectively. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$4,200 or to reflect an estimated market value of \$12,600.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$9,020 was disclosed. The subject's assessment reflects an estimated market value of \$27,152 or \$23.65 per square foot of living area including land using the 2007 three-year median level of assessments for Peoria County of 33.22%.

While the board of review described the subject property as having a 232 square foot unfinished basement, the property record card of the subject property does not support that contention. The property record card indicates no basement and the schematic indicates a partial crawl and partial concrete slab foundation.

In support of the subject's assessment, the board of review presented descriptions and sales data on three comparable properties two of which appear, based on a map filed in this matter, to be located in relatively close proximity to the subject. The comparables consist of two, one and one-half story and one, two-story frame dwellings that were built in 1900 and

1915. Each comparable has an unfinished basement ranging in size from 692 to 728 square feet of building area. Two comparables have central air conditioning and one comparable has a fireplace. The dwellings range in size from 1,211 to 1,456 square feet of living area. The comparables have quality grades assigned by the assessor of C, D+5 and D+10 and are all reported to be in fair condition. These comparables sold between September 2006 and September 2007 for prices ranging from \$32,000 to \$38,500 or from \$21.98 to \$30.56 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, Leroy testified regarding board of review comparable #1 that it was in very close proximity to the subject. As to this property, he read from the Multiple Listing Service sheet indicating items such as new roof, new electrical, and like items from which Leroy asserted the property was not in similar condition to the subject. As to board of review comparable #2, Leroy contended the property was about 3 miles from the subject and in March 2007 the property was again listed for sale for \$34,900, less than its September 2006 purchase price reported by the board of review. As to board of review comparable #3, Leroy testified that in January 2007, prior to the sale reported by the board of review, the property sold for \$12,000.

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 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 (3<sup>rd</sup> Dist. 2002). The Board finds the evidence in the record does support a reduction in the subject's assessment.

As an initial matter, at hearing in rebuttal, appellant sought to present new evidence with regard to the board of review's comparables which was not presented during the time allotted to file written rebuttal evidence in this matter. Specifically, by letter dated January 5, 2009, appellant was afforded 30 days to submit rebuttal evidence. Pursuant to the Official Rules of the

Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill. Admin. Code, Sec. 1910.66(a)). Furthermore, pursuant to Section 1910.67(k), no new written or documentary evidence may be accepted into the appeal record at hearing that was not previously submitted. (86 Ill. Admin. Code Sec. 1910.67(k)). The Board finds that a witness such as Leroy may not in rebuttal testimony read from documents not previously submitted in order to get that rebuttal evidence into the record. In light of these Rules, the Property Tax Appeal Board has not considered the rebuttal testimony presented by appellant related to documents not previously submitted in this matter concerning property condition and/or other sales of the board of review's comparable(s).

The parties submitted a total of six comparable sales for the Board's consideration. The Board gave less weight to appellant's comparable #3 due to the substantial difference in size from the subject property and the Board gave less weight to board of review comparables #2 and #3 due to the additional features enjoyed by those properties which were not found in the subject. In analyzing the remaining three comparables, the Board finds that none of these comparables is similar to the subject in foundation since each features an unfinished basement not enjoyed by the subject property. Despite these foundational differences with the subject, these three comparables were otherwise similar to the subject in size, age, and exterior construction. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between April 2007 and September 2007 for prices ranging from \$16.33 to \$21.98 per square foot of living area including land. The subject's assessment reflects a market value of approximately \$27,152 or \$23.65 per square foot of living area including land, using the three-year median level of assessments for Peoria County of 33.22%. The Board finds the subject's assessment reflects a market value that falls above 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 excessive 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. Crit*

Chairman

*K. L. Fan*

Member

*Richard A. Huff*

Member

*Harold H. Lewis*

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: December 23, 2009

*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.