



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

APPELLANT: Jeff Shoumaker
DOCKET NO.: 07-01322.001-R-1
PARCEL NO.: 18-08-261-004

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: \$780
IMPR.: \$1,550
TOTAL: \$2,330

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property¹ consists of a 9,000 square-foot parcel improved with a two-story frame duplex dwelling that contains 1,948 square feet of living area. The dwelling is 107 years old. The property has a full basement with 860 square feet of finished area.

The appellant submitted a residential appeal contending overvaluation based on a recent sale of the subject property along with an adjacent parcel. In support of this argument the appellant indicated in Section IV of the appeal form that the subject property along with "lot next door" parcel 18-08-261-005 were purchased together in March 2006 for a price of \$7,000. The

¹ The Residential Appeal form clearly indicates a parcel number of 18-08-261-004 and the Final Decision of the board of review was provided as to this parcel. While a Final Decision for a second parcel was also included in the materials reflecting a land assessment of \$550, appellant filed no addendum to the appeal form and made no assessment reduction request regarding parcel number 18-08-261-005.

appellant indicated the subject property was sold by the owner, the property was advertised on the open market for 35 days with using the Multiple Listing Service and the parties to the transaction were not related. The appellant also submitted a copy of the Multiple Listing Service sheet and the closing statement. The Multiple Listing Service sheet disclosed an asking price of \$12,000 from a listing made in November 2005; on this sheet, there is a handwritten notation "Did not sell through MLS, so sold privately. Only asking 12K." The Settlement Statement disclosed a sales price of \$7,000 for parcels 18-08-261-004 and 18-08-261-005.

Based on this evidence the appellant requested the subject's assessment be reduced to \$2,340 or a market value of approximately \$7,020.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject parcel number 18-08-261-004 totaling \$8,960 was disclosed. The subject's assessment reflects a market value of approximately \$26,972 or \$13.85 per square foot of living area, land included, when applying the 2007 three year median level of assessments as determined by the Illinois Department of Revenue for Peoria County of 33.22%.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a grid analysis of three comparable properties along with property record cards. The comparables were located in the same assessor's assigned neighborhood code as the subject. The comparables consist of two, two-story and one, one and one-half-story frame or masonry, bungalow or old style dwellings that were built in 1900. The dwellings range in size from 1,414 to 2,380 square feet of living area. Two comparables have unfinished basements and two comparables have garages that contain 240 or 288 square feet of building area each. These properties sold between October 2007 and May 2008 for prices ranging from \$13,200 to \$18,000 or from \$5.88 to \$12.73 per square foot of living area including land. Based on this evidence, the board of review requested the subject's estimated market value as reflected by its assessment be confirmed.

In written rebuttal, the appellant contends that the subject property was purchased in 2006 for \$6,000. Appellant also submitted Multiple Listing Service sheets for board of review comparables #1 and #3. Based on this data, the appellant contended the subject's estimate market value was excessive.

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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

As an initial matter, 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)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill. Admin. Code, Sec. 1910.66(c)). In light of these Rules, the Property Tax Appeal Board has not considered the appellant's contention that the subject was purchased in 2006 for \$6,000. Moreover, a review the property record card for the property presented by the board of review reveals that the previous owner of the property reportedly purchased the property in March 2006 for \$7,000, not \$6,000 as asserted by the appellant.²

The appellant contends the subject's assessment should be reduced based on the sale of the subject along with an adjoining parcel. The Property Tax Appeal Board lacks jurisdiction over the adjoining parcel where appellant failed to abide by Sections 1910.30(j) and (k) of the Board's Rules.

The evidence disclosed that the subject and an adjacent parcel sold in March 2006 for a price of \$7,000. The information provided by the appellant indicated the sale had the elements of an arm's length transaction. The record also contains three comparable sales presented by the board of review. These properties were very similar to the subject in location and sold from October 2007 and May 2008 for prices ranging from \$13,200 to \$18,000 or from \$5.88 to \$12.73 per square foot of living area, land included. The subject's estimated market value as reflected by its assessment of \$26,972 or \$13.85 per square foot of living area appears to be excessive when compared to these comparables.

Considering the sale of the subject along with an adjacent parcel and board of review comparable #2, the Board finds the best evidence of the subject's fair market value in the record is the March 2006 purchase price of \$7,000. Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of no more than \$7,000 on January 1, 2007 given that the sale price encompassed both the subject and a neighboring parcel of unknown size. The subject's assessment reflects an estimated market value of nearly \$27,000, which is higher than its arm's-length sale price with the adjoining parcel. Therefore a reduction is warranted. Since the fair market value of the subject has been established, the Board finds that the 2007 three-year median level of assessment for Peoria County of 33.22% shall apply.

² That same property record card reports the appellant purchased the subject property for \$6,000 in July 2007, which perhaps represents an allocated price, but the record does not clearly indicate.

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: August 20, 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.