



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

APPELLANT: Ronald & Leanna Ludwig
DOCKET NO.: 07-01331.001-R-1
PARCEL NO.: 18-18-233-019

The parties of record before the Property Tax Appeal Board are Ronald & Leanna Ludwig, the appellants, 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: \$670
IMPR: \$2,376
TOTAL: \$3,046**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 1,176 square feet of living area. The dwelling was built in 1910. Features include a basement.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the claim the appellants submitted information on the sale of the subject in late February 2005 for \$6,000. The information supplied by the appellants indicates the property was offered for sale through a multiple listing service for 59 days prior to sale. The appellants' evidence also indicates \$3,170 was spent to renovate the subject before occupancy in October 2005. Based on this evidence, the appellants 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 \$6,310 was disclosed. The subject's assessment reflects an estimated market value of \$18,995 or \$16.15 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. The board of review did not address any issues with respect to whether the sale price of the subject is indicative of the value of the subject on the assessment date. A map provided by the board of review indicates the three comparables are located about five to seven blocks from the subject. They consist of one-story frame dwellings that were built in 1913 or 1920. The dwellings have 800 to 1,286 square feet of living area. All have basements, two have central air conditioning, and one has a garage. The board of review's comparables sold from June 2006 to April 2007 for \$23,000 to \$30,000 or from \$20.69 to \$28.75 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 submitted listing sheets related to the subject and the board of review's comparable properties and highlighted differences between the subject and the board of review's comparables. The appellant also 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 appellants 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 burden has been met.

The appellants provided evidence of a recent sale of the subject to demonstrate that it is overvalued. The appellants' evidence indicates the subject was exposed to the open market through an MLS listing for 59 days prior the sale for \$6,000 in late February 2005. The appellants' evidence also indicated \$3,170 was spent renovating the subject before occupancy in October 2005.

The board of review provided three sales comparables to support the subject's current assessment. The board of review's comparable #2 is much smaller than the subject and is of little value in the Board's analysis. The MLS sheet provided by the appellants for the board of review's comparable #1 indicated it was in "move-in condition." The MLS sheet on the sale of the subject indicated it was a "bank repo in need of work." The board of review's comparable #1 was clearly in superior condition compared to the subject at the time of their respective sales, and comparable #1 also has central air conditioning and a garage not enjoyed by the subject. The appellants provided two listing sheets for the board of review's comparable #3. The first was

for a sale in July 2006 when it sold for \$13,200, or \$10.93 per square foot of living area including land after 84 days on the market. That comparable sold again three months later as reported by the board of review for \$25,000, or \$20.69 per square foot of living area including land with 0 cumulative days on the market. Presumably substantial improvements were made prior to the second sale. Given that the subject was "a bank repo in need of work," the Board finds the July sale of the board of review's comparable #3 has more relevance to the value of the subject than the October sale. The July sale of the board of review's comparable #3 was for \$10.93 per square foot of living area including land, while the subject's current assessment suggests a market value for the subject of \$16.15 per square foot even though the subject lacks central air conditioning.

After weighing all of the evidence, the board finds best evidence of the market value of the subject is the February 2005 sale price of \$6,000 plus the \$3,170 spent on renovation prior to occupancy for a total of \$9,170, or \$7.80 per square foot of living area including land. Having determined the market value of the subject's, Peoria County's 2007 three-year median level of assessments of 33.22% shall be applied.

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: December 3, 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.