



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

APPELLANT: Roger K. Heim
DOCKET NO.: 07-01358.001-R-1
PARCEL NO.: 14-35-304-029

The parties of record before the Property Tax Appeal Board are Roger K. Heim, 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 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: \$1,600
IMPR: \$8,350
TOTAL: \$9,950

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 87 year-old, 1.5-story bungalow style frame dwelling that contains 1,208 square feet of living area.

Through his attorney, the appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a listing sheet that indicated the subject sold in June 2007 for \$24,000. The appellant reported the subject was sold through a realtor's office, but was not advertised for sale and was on the market for 0 days. The appellant also submitted a settlement statement for two properties, including the subject, for \$48,000. Based on this evidence the appellant requested the subject's assessment be reduced to \$8,000, reflecting the purported June 2007 sale price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$9,950 was disclosed. The subject has an estimated market value of \$29,952

or \$24.79 per square foot of living area including land as reflected by its assessment and the 2007 Peoria County 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 properties located in the same assessor's assigned neighborhood code as the subject. The comparables consist of 1.0-story, bungalow style frame dwellings that were built in 1930 or 1935 and range in size from 946 to 1,086 square feet of living area. All the comparables have full or partial unfinished basements, one has central air conditioning and one has a 240 square foot garage. The comparables sold between October 2004 and November 2006 for prices ranging from \$45,000 to \$51,000 or from \$42.69 to \$53.91 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 the board of review's comparables had amenities not enjoyed by the subject. The appellant also argued it was unfair to compare owner-occupied dwellings with rental properties.

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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to meet this burden.

The Board finds the appellant submitted evidence indicating the subject sold in June 2007 for \$24,000. However, the evidence acknowledged that, although sold through a realtor, the subject was on the market for 0 days and was not advertised for sale. The Board finds the subject's sale lacks the necessary elements of an arm's-length transaction and correspondingly gave little weight to the subject's sale as reliable evidence of its market value as of the January 1, 2007 assessment date under appeal. The sale price is further undermined by the settlement statement submitted by the appellant indicating two properties were sold simultaneously for \$48,000.

The Board finds the board of review submitted three comparable sales located in the same assessor's assigned neighborhood code as the subject. The Board gave less weight to the board of review's comparable 2 because it was significantly smaller in living area when compared to the subject. The Board finds the board of review's comparables 1 and 3 were similar to the subject

in exterior construction, age, size, location and some features and sold for prices of \$42.69 and \$44.38 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$24.79 per square foot of living area including land is well below these two most representative comparables. Therefore, the Board finds the evidence in this record does not support a reduction in the subject's assessment.

In conclusion, the Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct and no 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. 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: December 23, 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.