



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

APPELLANT: Jerry Crayton
DOCKET NO.: 07-01378.001-R-1
PARCEL NO.: 13-14-251-009

The parties of record before the Property Tax Appeal Board are Jerry Crayton, 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: \$8,700
IMPR.: \$52,430
TOTAL: \$61,130

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 30 year-old, one-story style brick and frame duplex dwelling that contains 2,662 square feet of living area. Features of the home include central air conditioning and a two-car garage.

Through his attorney, the appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. At the commencement of the hearing, the appellant's counsel agreed there was no argument being made with regard to alleged inequity of the subject's assessment, but that the appeal was based on comparable sales. In support of this argument, the appellant submitted multiple listing sheets and a grid analysis of three comparable sales. The comparables consist of one-story style brick or frame duplex dwellings that were built between 1956 and 1972 and range in size from 1,344 to 1,872 square feet of living area. Features of the comparables include two-car or three-car garages. Two comparables have central air conditioning and two have full unfinished basements. The comparables were reported to be in fair, fair plus, or average condition and had

quality grades of C+5 or C-5. The appellant indicated the subject was in average condition and had a quality grade of B-5. The comparables sold between February 2006 and September 2007 for prices ranging from \$90,000 to \$125,000 or from \$56.55 to \$66.96 per square foot of living area including land. Based on this evidence, the appellant requested the subject's assessment be reduced to \$38,400.

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.

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 \$61,130 was disclosed. The subject has an estimated market value of \$184,016 or \$69.13 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 properties. The comparables consist of two-story or split-level style duplex dwellings of frame exterior construction that were built between 1970 and 1975 and range in size from 1,824 to 2,778 square feet of living area. Features of the comparables include central air conditioning, full or partial basements and garages described as two-car, or as containing 546 or 616 square feet of building area. One comparable has two fireplaces. The comparables were in average condition and had quality grades of C+10. These properties sold between February and December 2007 for prices ranging from \$124,000 to \$199,000 or from \$67.98 to \$73.93 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant argued the board of review's comparables have full basements and comparables 1 and 3 have improvements and updates not enjoyed by 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 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 overcome this burden.

The Board finds the parties submitted six comparables for its consideration. The Board gave less weight to the appellant's comparables because they were all significantly smaller in living area when compared to the subject and differed from it in exterior construction. One of the appellant's comparables was also significantly older than the subject. The Board also gave less weight to the board of review's comparables because, while they were similar to the subject in age and living area, their two-story or split-level designs differed from the subject's one-story design. The Board finds none of the comparables in this record was sufficiently similar to the subject to justify a reduction in the subject's assessment. Nevertheless, the Board finds all the comparables submitted by both parties sold for prices ranging from \$56.55 to \$73.93 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$69.13 per square foot of living area including land falls within the range of these comparables.

In conclusion, the Property Tax Appeal 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

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.