



**Final Administrative Decision of the
State of Illinois
PROPERTY TAX APPEAL BOARD**

APPELLANT: Trevelyn Hoover
DOCKET NO.: 07-01696.001-R-1
PARCEL NO.: 14-34-306-007

The parties of record before the Property Tax Appeal Board are Trevelyn Hoover, the appellant, by attorney Clyde B. Hendricks; 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: \$2,640
IMPR.: \$5,227
TOTAL: \$7,867

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story stucco dwelling containing 960 square feet of living area that was built in 1890. Features include an unfinished basement and a garage. The subject dwelling is in poor condition and has a quality grade assigned by the assessor of C-5.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. At the commencement of the hearing the appellant agreed that these cases are comprised of residential investment property that is not owner occupied wherein the market approach to value was employed to show the subject's assessment was incorrect or in some instances estimate a market value for the subject property. Counsel 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 lack of uniformity.

Appellant's first witness was William Leroy who prepared the information contained within the appellant's appeal. Leroy testified he is a full-time realtor with 25 years experience and he has occasionally done "tax protesting" for that same time period with the greatest workload in the quadrennial reassessment years. At times, Leroy performs this "tax protesting" work with Robert O. Kaiser.

Leroy is not a licensed appraiser and does not have any appraisal designations. He described, however, when contacted by a potential seller to list a property on the market, Leroy has a process he goes through to prepare a competitive market analysis by examining the property record cards of the subject and at least three comparable properties. Leroy then comes up with a listing price which he proposes to the customer. In his work as a realtor, Leroy has sold both owner-occupied and investment residential real estate. Based on his professional experience, 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 potential buyers who may be purchasing with cash.

Under cross-examination by the board of review, Leroy addressed his fee arrangement. Leroy testified 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. Attorney Hendricks indicated that he is compensated for his time on the appeal. Additionally, the witness testified that some of the properties as well as the subject property in each appeal were inspected.

During cross-examination, Leroy was asked about the nature of the sales comparables which were presented: were these foreclosures, bulk sales, estate sales, sales sold by court order, or sold by financial institutions.

On re-direct examination with regard to a repossession resale, Leroy testified that any property that is listed on the market and exposed on the market where offers and counteroffers could be made for the purchase and sale of the property would be a valid sale for consideration. Leroy further noted 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 list the properties through the Multiple Listing Service making them available and "on the market." Leroy further contended that as long as the sale was not to a relative, the sale would qualify as an arm's-length sale, 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.

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.

In support of the overvaluation argument, the appellant submitted three suggested comparable sales located within relative close proximity to the subject. The comparable sales consist of one-story frame dwellings that were built from 1860 to 1926. Two comparables have unfinished basements, two comparables have central air conditioning, and two comparables have a garage. The comparables have quality grades assigned by the assessor of C-5 or D and are reported to be in poor or fair condition. The dwellings range in size from 624 to 875 square feet of living area. The comparables sold from November 2006 to June 2007 for prices ranging from \$7,500 to \$21,500 or from \$11.16 to \$24.57 per square of living area including land. Based on this evidence, the appellant 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 \$10,270 was disclosed. The subject's assessment reflects an estimated market value of \$32,194 or \$31.90 per square foot of living area including land using Peoria County's 2007 three-year median level of assessments of 31.90%.

In support of the subject's assessment, the board of review submitted a market analysis detailing three suggested comparable sales located within relative close proximity to the subject. The comparable sales consist of a one story and two, one and one half story brick or frame dwellings that were built from 1924 to 1928. The comparables have unfinished basements, two comparable contain central air conditioning, and two comparables have a garage. The comparables have quality grades assigned by the assessor of C and are reported to be in fair or fair+ condition. The dwellings range in size from 1,020 to 1,777 square feet of living area. The comparables sold from August 2004 to August 2005 for prices ranging from \$49,000 to \$71,500 or from \$40.24 to \$48.04 per square of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted Multiple Listing Sheets for the comparables submitted by the board of review, noting differences to the subject in age, size, design and updated features.

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 Board further finds a reduction in the subject's assessment is warranted.

The appellant argued the subject property 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 appellant has overcome this burden.

The record contains six suggested comparable sales for the Board's consideration. The Property Tax Appeal Board gave less weight to the comparables submitted by the board of review. Comparables 1 and 3 are dissimilar one and one half story dwelling; comparables 2 and 3 are larger in size than the subject; and comparable 3 sold in August 2004, which is less indicative of the subject's fair market value as of the January 1, 2007 assessment date at issue in this appeal. The Board also gave less weight to comparables 1 and 2 submitted by the appellant due to their smaller dwelling sizes when compared to the subject. The Board finds the remaining comparable is most representative of the subject in age, size, style, location and features. It sold in June 2007 for \$21,500 or \$24.57 per square of living area including land. The subject's assessment reflects an estimated market value of \$32,194 or \$31.90 per square foot of living area including land, which is higher than the most similar comparable sale in this record. After considering adjustments to the comparables for the aforementioned 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 supported.

Based on this analysis, the Property Tax Appeal Board finds the appellant has demonstrated the subject property is overvalued by a preponderance of the evidence. Therefore, a reduction in the subject's assessment is justified.

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.



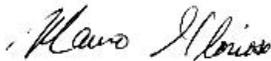
Chairman



Member



Member



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: September 28, 2009



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.