FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: David Fehr
DOCKET NO.: 07-01697.001-R-1
PARCEL NO.: 18-04-303-010

The parties of record before the Property Tax Appeal Board are David Fehr, the appellant(s), by attorney Clyde B. Hendricks of 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:	$ 2,910
IMPR.:	$ 21,470
TOTAL:	$ 24,380

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story frame and asbestos dwelling containing 2,323 square feet of living area that was built in 1880. Features include an unfinished basement and a two-car garage. The subject dwelling is in fair condition and has a quality grade assigned by the assessor of C-10.

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 the assessment appeal is comprised of a residential investment rental property wherein the market approach to value was employed to show the subject's assessment was incorrect or 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.

The appellant's first witness was William Leroy who prepared the evidence on behalf of the appellant. Leroy testified he is a full-time realtor with 25 years experience and 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. 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. Additionally, the witness testified that some of the properties as well as the subject property in each appeal were inspected. 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.

Under 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 that the third-party company will reduce the listing price the more days the property sits on the market.

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.

In support of the overvaluation argument, the appellant submitted three suggested comparables located within relative close proximity to the subject. The comparables consist of a one and one-half story and two, two-story brick or frame dwellings that were built from 1912 to 1928. The comparables have unfinished basements and comparable 3 has central air conditioning and a two car garage. The comparables have quality grades assigned by the

assessor of C or C+5 and are reported to be in fair or fair+ condition. The dwellings range in size from 1,121 to 1,400 square feet of living area. The comparables sold from November 2006 to January 2007 for prices ranging from $21,000 to $30,600 or from $15.00 to $22.76 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 $24,380 was disclosed. The subject's assessment reflects an estimated market value of $73,390 or $31.59 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 or review submitted a market analysis detailing three suggested comparable sales located within relative close proximity to the subject. The comparables consist of two-story brick or frame dwellings that were built from 1870 to 1935. The comparables have unfinished basements, central air conditioning and garages. The comparables have quality grades assigned by the assessor of C, C+5, or B-5 and are reported to be in average or fair+ condition. The dwellings range in size from 1,870 to 2,494 square feet of living area. The comparables sold from March 2007 to August 2007 for prices ranging from $90,000 to $103,000 or from $36.09 to $55.08 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 updated features, exterior construction or location.

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 no 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 not 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 appellant due their considerably smaller dwelling sizes when compared to the subject. In addition, comparable 2 is of a dissimilar design when compared to the subject. The Board finds the comparables submitted by the board of review are most representative of the subject in age,

size, style, location and features. The comparables sold from March 2007 to August 2007 for prices ranging from $90,000 to $103,000 or from $36.09 to $55.08 per square of living area including land. The subject's assessment reflects an estimated market value of $73,390 or $31.59 per square foot of living area including land, which falls below the range established by the most similar comparable sales contained in the record. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction is supported.

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.