



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

APPELLANT: Terry Dies
DOCKET NO.: 07-01741.001-R-1
PARCEL NO.: 18-18-432-011

The parties of record before the Property Tax Appeal Board are Terry Dies, 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 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 \$780
IMPR.: \$5,220
TOTAL: \$6,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 67 year-old, one-story style frame dwelling that contains 780 square feet of living area. Features of the home include a full unfinished basement and a one-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 properties. The comparables consist of one-story cottage or bungalow style dwellings of concrete block, frame, or composition exterior construction that were built between 1910 and 1949 and range in size from 546 to 884 square feet of living area. Features of the comparables include one-car garage. One comparable has a partial unfinished basement and one has central air conditioning. These properties were described as

being in fair condition and had quality grades ranging from D+5 to E. They were reported to have sold in October or December 2006 for prices ranging from \$4,000 to \$6,000 or from \$4.87 to \$9.15 per square foot of living area including land. Based on this evidence, the appellant requested the subject's assessment be reduced to \$6,000.

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 \$8,750 was disclosed. The subject has an estimated market value of \$26,340 or \$33.77 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 one-story ranch or cottage style frame dwellings that were built between 1955 and 1959 and range in size from 720 to 936 square feet of living area. Features of the comparables include garages that contain 280 or 308 square feet of building area. Two comparables have full or partial unfinished basements and one has central air conditioning. These properties were described as being in fair plus or average condition and have quality grades of C-5 or D+5. The comparables sold in October or December 2007 for prices ranging from \$22,000 to \$33,000 or from \$26.44 to \$38.89 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 all sold on a "one time show", which means they were not put into MLS until sales were already pending, they were not exposed to the market because they were not advertised and thus,

that they were not arm's-length transactions. In support of this claim, the appellant submitted the multiple listing sheets for the board of review's comparables. In each case, the sheets indicated there was "no sign on property", their cumulative days on the market were "0" and the listing and selling prices were identical. The board of review provided no evidence or testimony to refute the appellant's argument.

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 property's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property 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). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the parties submitted six comparables for its consideration. The Board gave less weight to the appellant's comparable 1 because it differed significantly in living area when compared to the subject. The Board gave little weight to all three of the board of review's comparables because the record disclosed these properties were not advertised, were not put into MLS until sales were pending and thus, do not contain the key elements of arm's-length transactions. For this reason the board of review's comparable sales cannot be relied on to support the subject's assessment. After considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds the evidence in the record supports a reduction in the subject's assessment commensurate with the appellant's request.

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.