



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

APPELLANT: James & Diane Foster
DOCKET NO.: 07-01749.001-R-1
PARCEL NO.: 14-33-455-012

The parties of record before the Property Tax Appeal Board are James & Diane Foster, the appellants, 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: \$2,540
IMPR: \$13,710
TOTAL: \$16,250**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling containing 1,200 square feet of living area that was built in 1920. Features include a full unfinished basement, central air conditioning, and a detached one-car garage of 280 square feet.

The appellants presented no objection to a decision in this matter being rendered on the evidence submitted in the record. Therefore, the decision of the Property Tax Appeal Board contained herein shall be based upon the evidence contained in and made a part of this record.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants submitted three comparable sales and also reported the subject property was purchased in October 2004 for \$38,000. Data required in Section IV of the appeal form for recent sale information was not provided. One comparable was seven blocks from the subject; the proximity of the other comparables in relation to the subject was not

disclosed. The comparables consist of "ranch" or "bungalow" frame dwellings that range in age from 73 to 98 years old and range in size from 1,000 to 1,293 square feet of living area. Features had varying degrees of similarity when compared to the subject. The comparables sold from February 2006 to December 2007 for prices ranging from \$14,500 to \$33,500 or from \$11.21 to \$30.45 per square foot of living area including land. Based on this evidence, the appellants requested a reduction in the subject's assessment to \$9,600 or a market value of approximately \$28,800.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$16,250 was disclosed. The subject's assessment reflects an estimated market value of \$48,916 or \$40.76 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 of review submitted an analysis of three comparable sales and a map detailing their proximate location in relation to the subject; the comparables were all in the same neighborhood code as the subject. The comparables consist of one-story frame dwellings that were built from 1919 to 1926 and range in size from 1,056 to 1,387 square feet of living area. Features had varying degrees of similarity when compared to the subject. The comparables sold between September and November 2006 for prices ranging from \$67,900 to \$68,000 or from \$49.03 to \$64.39 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 appellants submitted Multiple Listing Sheets for two of the comparable sales submitted by the board of review. The appellants argued the comparables have been improved and resold for higher sales prices as reported by the board of review. The appellants also argued it is unfair to compare owner occupied dwellings to a rental dwelling like the subject.

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 Board further finds no reduction in the subject's assessment is warranted.

The appellants 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 appellants have not overcome this burden.

The record contains six suggested comparable sales for the Board's consideration. The Property Tax Appeal Board finds appellants' comparables #1 and #2 and board of review's comparables #1 and #2 were more similar to the subject in

location, design, age, size, and/or features. They sold for prices ranging from \$14,500 to \$68,000 or from \$11.21 to \$55.38 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$48,916 or \$40.76 per square foot of living area including land. 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 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. Guit

Chairman

Member

Mario M. Louie

Member

Member

William 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: September 24, 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.