FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: James & Diane Foster
DOCKET NO.: 07-01949.001-R-1
PARCEL NO.: 14-32-256-029

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:	$ 2,880
IMPR.:	$ 14,370
TOTAL:	$ 17,250

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 824 square feet of living area including a finished attic area. The dwelling was built in 1925. Features include a basement and a garage.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the claim the appellants submitted information on three comparable properties. Two are located in an area with a different neighborhood code than the subject, and the appellants did not disclose their proximity to the subject. The appellants' comparables consist of one-story or one and one-half story frame dwellings. They were built from 1919 to 1926. They contain 864[1] to 1,032 square feet of living area. One has a basement, and two have either a garage or a carport. The comparables sold from November 2006 to May 2007 for $19,000 to $28,000 or $21.99 to

[1] The appellant's grid indicates comparable #2 has 812 square feet of living area, but the MLS sheet the appellant supplied to support the grid sheet indicates 884 square feet. Using the size of 884 square feet reduces the sale price per square foot of living area including land for comparable #2 to $31.67.

$31.67[2] per square foot of living area including land. Based on this evidence, the appellants 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 $17,250 was disclosed. The subject's assessment reflects an estimated market value of $51,927 or $63.02 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 presented descriptions and sale price information on three comparable properties. They are located in an area with the same neighborhood code as the subject. They consist of one-story frame or brick dwellings that were built from 1927 to 1930. The dwellings have 816 to 931 square feet of living area. All have basements and garages, and two have central air conditioning. The board of review's comparables sold from July 2006 to September 2007 for $60,000 to $92,750 or $73.53 to $99.62 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 listing sheets related to the board of review's comparable properties and highlighted differences between the subject and the board of review's comparables. The appellants also argued that it is unfair to compare owner-occupied homes with rental properties such as 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 a reduction in the subject's assessment is not warranted.

The appellants argued the subject 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 met this burden.

The record contains six suggested comparable sales for the Board's consideration. Four are located in an area with the same neighborhood code as the subject. They are one-story dwellings similar in size to the subject. They sold for $27,500 to $92,750 or $26.64 to $99.62 per square foot of living area including land. The subject's estimated market value of $51,927 or $63.02 per square foot of living area including land is much lower than three of the four comparables. After considering the evidence the Board finds the appellants have not proven by a preponderance

[2] See footnote 1.

of the evidence that the subject is overvalued 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.

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: December 3, 2010

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.