



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

APPELLANT: Deborah & James Sipp
DOCKET NO.: 08-00117.001-R-1
PARCEL NO.: 08-22-403-009

The parties of record before the Property Tax Appeal Board are Deborah & Jim Sipp, the appellants, 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: \$41,670
IMPR: \$170,360
TOTAL: \$212,030

Subject only to the State multiplier as applicable.

ANALYSIS

The subject 6.74-acre parcel is improved with a one and one-half-story frame single-family dwelling that was built in 1998. The second level was finished in 2007. The home contains 3,782 square feet of living area and features a full walkout-style basement which is 68% finished, central air conditioning, a fireplace and a three-car garage. The property is also improved with a 2,400 square foot outbuilding, a gardening shed, a fountain and an asphalt driveway. The property is located in Dunlap, Radnor Township, Peoria County.

The appellants submitted evidence before the Property Tax Appeal Board disputing both the land and improvement assessments of the subject property. On the Residential Appeal form, the appellants checked as the bases of this appeal: comparable sales; assessment equity; and recent appraisal.

For both the equity and comparable sales arguments, the appellants completed the Section V -- Comparable Sales/Assessment Grid Analysis detailing four suggested comparable properties with both assessment and sales data. The data provided by the

appellants indicated the comparables had parcels ranging in size from 3.228 to 6-acres of land area with land assessments ranging from \$8,140 to \$33,170 or from \$1,576 to \$6,634 per acre of land. The subject has a land assessment of \$41,670 or \$6,182 per acre of land.

The comparables were improved with a one-story; two, one and one-half-story; and a two-story dwelling of frame, brick or frame and stone exterior construction. The homes were built between 1975 and 1997 and range in size from 1,962 to 3,950 square feet of living area. Each comparable has a basement with finished area, central air conditioning, one or two fireplaces, and a two-car to four-car garage. The comparables each have an outbuilding also. These properties have improvement assessments ranging from \$58,120 to \$124,410 or from \$24.61 to \$41.28 per square foot of living area. The subject has an improvement assessment of \$241,660 or \$63.90 per square foot of living area.

The comparables also sold between April and August 2007 for prices ranging from \$285,900 to \$515,000 or from \$117.97 to \$145.72 per square foot of living area including land.

Also in support of the overvaluation argument, the appellants submitted a 12-page appraisal prepared by James D. Windsor of Windsor Real Estate Appraisals. The appraisal was prepared for the appellants to estimate the fee simple market value of the subject property. In the appraisal, the appraiser reported the subject property was currently listed for \$1,400,000. By analyzing three comparable sales, the appraiser estimated the subject property had a market value of \$640,000 as of October 31, 2008.

The appellants also presented an analysis of five equity comparables utilized by the Peoria County Board of Review at the local hearing. From this analysis, the appellants point out the percentage increase of assessment from 2005 to 2008 applied to the subject of 71.90% as compared to the comparables which increased from 7% to 17%. In this analysis, the appellants also reported in summer 2007 the upper level of the subject dwelling was finished; applying the "average" improvement assessment of \$41.68 per square foot, the appellants contend this second floor would add \$55,226 to the subject's improvement assessment. Also, the subject's driveway was blacktopped at a cost of \$20,000. Therefore, the appellants contend the subject's 2008 improvement assessment should not have increased more than \$61,892.

In addition, the appellants completed Section VI of the appeal form -- Recent Construction wherein the appellants reported the dwelling was constructed in 1997-1998 and the upper floor was finished 2007. The appellants attached an 11 page listing identifying a merchant, a date and a price with a grand total of \$504,987.71. In Section VI of the appeal petition, the appellants reported a land purchase price of \$20,000 and a building cost of \$510,000 which included the owner or a member of

the owner's family acting as the general contractor, although no estimated value of that service was presented.

The appellants also submitted a copy of the decision issued by the board of review establishing a total assessment for the subject of \$283,330. The subject's estimated market value is \$855,207 or \$226.13 per square foot of living area including land based on its assessment and utilizing the three-year median level of assessments for Peoria County of 33.13%.

Based on the foregoing evidence, the appellants requested the subject's assessment be reduced to \$184,634 which would reflect a market value of approximately \$553,902.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property.

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 the evidence in the record supports a reduction in the subject's assessment.

The appellants contend 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 appellants have met this burden of proof and a reduction in the subject's assessment is warranted on grounds of overvaluation.

The appellants in this appeal submitted the only evidence of market value in the record. The appellants submitted an appraisal estimating the subject property had a market value of \$640,000 as of October 31, 2008 and sales of four comparable properties that ranged from \$285,900 to \$515,000. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellants' argument as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board. The Board has examined the information submitted by the appellants and finds that the subject property had a market value of \$640,000 as of January 1, 2008. The Board further finds that since market value has been established the Peoria County three-year median level of assessments of 33.13% shall apply. (86 Ill.Adm.Code 1910.50(c)(1)).

The appellants also contend assessment inequity as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of

assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds a reduction in the subject's land assessment is not warranted. Moreover, the Board finds, after reducing the improvement assessment based on the overvaluation argument, the subject's improvement assessment is also now equitable and no further reduction is warranted.

The appellants sought to demonstrate the subject's assessment was excessive because of the percentage increases in its assessment from 2005 to 2008 as compared to four comparables which the board of review had presented at the local hearing. The Board finds this type of analysis is not an accurate measurement or a persuasive indicator to demonstrate assessment inequity by clear and convincing evidence. The Board finds rising or falling assessments from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed. The assessment methodology and actual assessments together with their salient characteristics of properties must be compared and analyzed to determine whether uniformity of assessments exists. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior year's assessments.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the appellants disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellants have not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established after a reduction on overvaluation grounds is correct and no further 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. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn 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: August 19, 2011

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.