



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

APPELLANT: Lynn M. Blair
DOCKET NO.: 08-01959.001-R-1
PARCEL NO.: 14-33-283-017

The parties of record before the Property Tax Appeal Board are Lynn M. Blair, 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: \$3,440
IMPR.: \$19,100
TOTAL: \$22,540**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 1½-story single family dwelling that contains 2,994 square feet of living area. Features of the property include a basement, a fireplace and a detached garage with 360 square feet. The dwelling was constructed in 1926.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable properties described as two-story dwellings that ranged in size from 2,208 to 2,256 square feet of living area. Each comparable has a basement, one comparable had central air conditioning and one has a detached garage with 768 square feet. The comparables were constructed from 1908 to 1930. The appellant provided copies of the multiple listing service sheets for the sales. Comparable #1 sold "as is" and was reported to be a Real Estate Owned (REO) property.¹ This comparable sold in October 2007 for a price of \$9,000 or \$4.08 per square foot of living area. The two remaining comparables sold in August 2007 and January 2008 for prices of \$77,000 and \$48,000 or \$34.72 and \$21.27 per square foot of living area, respectively.

¹ An REO property is one that a bank or other financial institution now owns after an unsuccessful sale at a foreclosure auction. William Roark (2006), *Concise Encyclopedia of Real Estate Business Terms*.

Additionally, the appellant provided copies of photographs of the subject property depicting areas in need of repair. The appellant also made reference to a 2007 appeal of the subject property. The Board takes notice that the subject property was the subject matter of an appeal before the Property Tax Appeal Board in 2007 under Docket No. 07-01384.001-R-1 wherein the assessment of the subject property was reduced to \$21,776. 86 Ill.Admin.Code 1910.90(i). Based on this evidence the appellant requested the subject's assessment be reduced to \$18,340.

The board of review (BOR) submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$28,670 was disclosed. The subject's assessment reflects a market value of \$86,538 or \$28.90 per square foot of living area, land included, using the 2008 three year average median level of assessments for Peoria County of 33.13%. In support of the assessment the BOR submitted information on three comparables composed of one-story dwellings with finished attics that ranged in size from 1,747 to 2,405 square feet of living area. BOR comparable #2 was the same property as appellant's comparable #3. Each comparable has a basement, two comparables have central air conditioning,² two comparables have a fireplace and two comparables have detached garages. The dwellings were constructed from 1925 to 1930. The sales occurred from April 2006 to November 2007 for prices ranging from \$77,000 to \$88,900 or from \$34.72 to \$46.94 per square foot of living area, including land. The BOR also provided a copy of a map depicting the location of the subject and the comparables submitted by both parties. Based on this evidence, the BOR requested confirmation of the subject's assessment.

In rebuttal the appellant asserted the BOR comparable #1 has a finished basement and a new oak kitchen with ceramic floor. The appellant further stated the subject has a leaking roof and the outside of the home was so bad the city provided paint to repaint the home because the owner had no money. The appellant also asserted the BOR comparable #3 did not sell through MLS, the home is smaller than the subject and the sale occurred in 2006. The appellant submitted a copy of the multiple listing sheets for the BOR comparables #1 and #2. The appellant also submitted a copy of a Code Violation Report for the subject property indicating the subject had peeling paint on all sides. The code violation report was issued in July 2010.

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 the appeal. The Board further finds a reduction in the subject's assessment is supported by the evidence in the record.

² The BOR indicates the subject property has central air conditioning but the appellant indicates the subject dwelling does not have central air conditioning.

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 sales data in the record support a reduction in the subject's assessment.

The Board finds the parties have a common comparable that sold in August 2007 for a price of \$77,000 or \$34.72 per square foot of living area. The multiple listing service sheet for this property described the home as being recently remodeled with new wiring, new insulation, new drywall, fresh paint, a newer 95% efficient furnace, new duct work, and new central air conditioning. This home appears to be in much better condition than the subject. However, the subject's assessment reflects a market value of \$86,538, which equates to \$28.90 per square foot of living area, land included, using the 2008 three year average median level of assessments for Peoria County of 33.13%. The Board finds this market value estimate seems excessive when compared to this superior property. The record also indicated BOR comparable #1 was superior to the subject in condition with updates and a finished basement. This property sold for \$88,900 or \$36.96 per square foot of living area. The subject's assessment seems excessive when compared to this superior dwelling. The only other comparable similar to the subject was appellant's comparable #2 which sold for \$48,000 or \$21.27 per square foot of living area. The Board gave no weight to the appellant's comparable #1 due to its condition as indicated on the multiple listing service sheet. The Board also gave no weight to the BOR comparable #3 due to its size and date of sale. The Board also takes notice that it issued a decision reducing the subject's 2007 assessment. Based on this record the Board finds a reduction in the subject's assessment 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: April 22, 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.