



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

APPELLANT: Lou Lewellen
DOCKET NO.: 08-01987.001-R-1
PARCEL NO.: 17-25-107-012

The parties of record before the Property Tax Appeal Board are Lou Lewellen, 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 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: \$ 3,490
IMPR.: \$ 17,650
TOTAL: \$ 21,140**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 882 square feet of living area. The dwelling was built in 1930. Features include a basement and a garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the claim the appellant submitted information on three comparable properties. The appellant's comparables consist of one-story frame dwellings. They were built in 1920 or 1930. They contain 786 to 985 square feet of living area. Two have garages. Two comparables sold in September 2007 and March 2008 for \$26,000 and \$37,500 or \$28.88 and \$47.77 per square foot of living area including land. The other was listed on MLS in September of 2008 for \$39,900¹ or \$50.76 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

¹ The appellant's grid sheet indicates the comparable's listing was \$36,900. The photocopy of the MLS sheet for this comparable includes only the original listing price of \$39,900 or \$50.76 per square foot.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$21,140 was disclosed. The subject's assessment reflects an estimated market value of \$63,809 or \$72.35 per square foot of living area including land using Peoria County's 2008 three-year median level of assessments of 33.13%.

In support of the subject's assessment the board of review presented descriptions and sale price information on three comparable properties. They consist of one-story frame dwellings that were built in 1930 or 1940. The dwellings have 704 to 864 square feet of living area. Two have basements, and one has a garage. The board of review's comparables sold from May 2007 to February 2008 for \$52,000 to \$69,000 or \$66.19 to \$79.86 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 appellant provided MLS sheets for the board of review's sales and highlighted differences between the subject and the board of review's comparables. The MLS sheet for the board of review's comparable #1 indicates it also has an extra 325 square feet of living area upstairs and has a finished area in the basement that is not reflected on the property record card for the comparable. The MLS sheet for the board of review's comparable #3 indicates it has a garage that is not reflected on its property record card. The appellant 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 appellant 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 appellant has not met this burden.

The record contains six suggested comparable sales for the Board's consideration. There is some question about whether the board of review's comparable has 864 square feet of living area or 1,189 square feet of living area. The Board gives it reduced weight in its analysis. The remaining five comparables are generally similar to the subject except the appellant's comparables all lack basements, while the subject's property record card indicates it has a full basement. These five comparables sold for \$26,000 to \$55,000 or \$28.88 to \$73.86 per square foot of living area including land. The subject's estimated market value of \$63,809 or \$72.35 per square foot of living area including land is near the upper end of that range. However, it is the only one of the five comparables that enjoys

both a basement and a garage. After considering the evidence the Board finds the appellant has not proven by a preponderance 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: December 3, 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.