



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

APPELLANT: Steven & Evelyn Tobin
DOCKET NO.: 08-02078.001-R-1
PARCEL NO.: 14-34-128-022

The parties of record before the Property Tax Appeal Board are Steven & Evelyn Tobin, 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 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: \$2,600
IMPR.: \$8,546
TOTAL: \$11,146**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story frame dwelling containing 864 square feet of living area including a finished attic area. The dwelling was built in 1930. Features include a basement.

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. The appellants' comparables consist of one-story frame dwellings. They were built from 1925 to 1950. They contain 576 to 921 square feet of living area. Two have basements and garages, and one of those also has central air conditioning and a fireplace. The comparables sold from October 2007 to April 2008 for \$18,000 to \$24,500 or \$23.23 to \$31.25 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 \$13,740 was disclosed. The subject's assessment reflects an estimated market value of \$41,473 or \$48.00 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 from 1925 to 1930. The dwellings have 974 to 1,072 square feet of living area. All have basements, and two have garages and central air conditioning. One also has a fireplace. The board of review's comparables sold in January 2007 or February 2008 for \$41,500 or \$57,200 or \$38.71 to \$58.13 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 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 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 this burden has been met.

The record contains information on sales and assessments of six suggested comparable properties for the Board's consideration. The comparables were similar to the subject in size and design. They sold for \$18,000 to \$57,200 or \$23.23 to \$58.13 per square foot of living area including land. The subject's estimated market value of \$41,473 or \$48.00 per square foot of living area including land is higher than all but one of the six comparables on a per-square-foot basis. The appellants' comparable #2 is much smaller than the subject, and the appellants' comparable #3 and the board of review's comparables #2 and #3 have central air conditioning and garages not enjoyed by the subject. The remaining two comparables, the appellants' comparable #1 and the board of review's comparable #1 are the most similar to the subject overall. They sold for \$23.23 and \$38.71 per square foot of living area including land. The subject's estimated market value of \$48.00 per square foot of living area including land is much higher. After considering the evidence the Board finds a preponderance of the evidence indicates the subject is overvalued and a 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 23, 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.