



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

APPELLANT: James & Diane Foster  
DOCKET NO.: 08-02147.001-R-1  
PARCEL NO.: 14-32-478-022

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:     \$ 2,090**  
**IMPR.:    \$ 14,840**  
**TOTAL:    \$ 16,930**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story dwelling of frame construction containing 864 square feet of living area. The dwelling was built in 1951. Features include a garage.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. The appellant indicated the subject was purchased for \$42,000 in June of 2005 after being listed on MLS. Also in support of the claim the appellants submitted information on three comparable properties. They are located from six to 10 blocks from the subject. The appellants' comparables consist of one-story or one and one-half story frame dwellings. They were built from 1925 to 1964. They contain 864 or 909 square feet of living area. All have garages, two have basements, and one has central air conditioning. The comparables sold from December 2007 to July 2008 for \$22,000 or \$29,000 or \$25.46 to \$33.56 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 \$16,930 was disclosed. The subject's assessment reflects an estimated market value of \$51,102 or \$59.15 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 are located in an area with the same neighborhood code as the subject. They consist of one-story frame dwellings that were built from 1932 to 1938. The dwellings have 768 to 864 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 to October 2007 for \$65,000 to \$71,500 or \$75.23 to \$91.15 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 provided MLS sheets relating to the comparable properties cited by the board of review. The appellants highlighted differences between the subject and the board of review's comparables. The appellants provided an MLS listing sheet for a sale of the board of review's comparable #1 from July 2007 for \$27,000, three months prior to the sale reported by the board of review for \$65,000. The MLS sheet for the latter sale has a long list of major improvements that went into the property between the two sales. The MLS listing sheet for the board of review's comparable #2 indicates it has a substantial finished area on the upper level and a total living area of 1,434 square feet compared to the 816 reported by the board of review. 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 (2<sup>nd</sup> Dist. 2000). After an analysis of the evidence, the Board finds the appellants have not met this burden.

The Board finds the June 2005 sale of the subject too remote in time from the January 1, 2008, assessment date to be indicative of the subject's market value on the assessment date. The record also contains six suggested comparable sales for the Board's consideration. The board of review's comparable #1 had many major improvements just prior to its sale, and sold for only \$27,000 just three months before the sale reported by the board of review. There is some question about the size of the board of review's comparable #2. The board of review indicates it has 816 square feet of living area, but the MLS listing sheet for the sale of the property indicates it has a substantial finished area on the second level and a total living area of 1,434 square feet.

The other four comparables sold for \$22,000 to \$70,000 or \$25.46 to \$91.15 per square foot of living area including land. The subject's estimated market value of \$51,102 or \$59.15 per square foot of living area including land is within that range. It is substantially higher than the appellants' comparables, which all were sold "as is," and is much lower than the board of review's comparable #3, which has central air conditioning and a partially finished basement not enjoyed by the subject. After considering the evidence the Board finds the appellants have 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 M. Louie*

Member

*Shawn R. Lerski*

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.