



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

APPELLANT: Union Planters Bank
DOCKET NO.: 08-02666.001-R-1
PARCEL NO.: 18-06-226-009

The parties of record before the Property Tax Appeal Board are Union Planters Bank, the appellant, 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: \$2,740
IMPR.: \$19,380
TOTAL: \$22,120

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling that contains 780 square feet of living area. Features of the property included a full unfinished basement and a 520 square foot detached garage. The dwelling was constructed in 1955.

The appellant originally requested a hearing in this matter. Counsel for appellant withdrew shortly before the scheduled hearing. The Official Rules of the Property Tax Appeal Board require, in pertinent part, that corporations, limited liability companies and other similar entities shall be represented at Board hearings by a person licensed to practice law in the State of Illinois. (86 Ill.Admin.Code Sec. 1910.70(c)). Merle Huff appeared without legal counsel and presented no objection to a decision in this matter being rendered on the evidence submitted in the record. Therefore, the decision of the Property Tax Appeal Board contained herein shall be based upon the evidence contained in and made a part of this record.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted sales data on three comparable properties improved with one-story frame

dwellings that range in size from 708 to 784 square feet of living area. The dwellings were constructed in 1950 or 1955. One comparable has a full basement, central air conditioning and a garage of 480 square feet. Another comparable has a fireplace. To further document the subject, the appellant included photocopies of photographs of the exterior of the subject. The appellant did not identify the proximity of the subject to the comparables presented. To further document the sales the appellant submitted copies of the Multiple Listing Service (MLS) sheets associated with each sale. The sales occurred from July 2007 to May 2008 for prices ranging from \$41,500 to \$53,500 or from \$58.61 to \$70.95 per square foot of living area land included. Based on this evidence the appellant requested the subject's assessment be reduced to \$14,340 or a market value of approximately \$43,020 or \$55.15 per square foot of living area including land.

The board of review (BOR) submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$22,120 was disclosed. The subject's assessment reflects a market value of approximately \$66,767 or \$85.60 per square foot of living area land included using the 2008 three year median level of assessments for Peoria County of 33.13%.

In support of its contention of the correct assessment, the BOR submitted information on three comparables that were one-story frame dwellings, two of which were located in the same assigned neighborhood code as the subject. The homes range in size from 780 to 1,008 square feet of living area. Two comparables have a basement, one of which is partially finished. Each comparable has central air conditioning and a garage ranging in size from 240 to 320 square feet of building area. The dwellings were constructed in 1955 or 1956. The BOR also submitted a map noting the location of the subject and the comparables presented by both parties. The sales occurred from September 2007 to April 2008 for prices ranging from \$65,000 to \$87,000 or from \$83.23 to \$86.31 per square foot of living area including land. Based on this evidence, the BOR requested the subject's assessment be confirmed.

In rebuttal the appellant argued that the subject lot is 50 feet deep with the dwelling being 40 feet from front patio to back patio; "this means the front yard is 8 or 9 feet deep and there is NO BACK YARD. None." Next, appellant noted that BOR comparables #1 and #3 have updates and amenities not enjoyed by the subject. In further support of these contentions, the appellant submitted a copy of MLS sheets for two of the BOR comparables highlighting various remarks.

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 not supported by the evidence in the record.

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 does not support a reduction in the subject's assessment.

The record contains information on six comparable sales submitted by the parties. The Board finds appellant's comparable #2 and BOR comparable #2 were most similar to the subject in size, age, and style, except that appellant's comparable #2 lacks a basement and a garage. These two comparables sold in August and September 2007 for prices of \$51,000 and \$65,000 or for \$65.05 and \$83.33 per square foot of living area including land. The subject's assessment reflects a market value of \$66,767 or \$85.60 per square foot of living area land included which is slightly above the per-square-foot price of the best comparables in the record. However, the Board finds this slightly higher value is justified given the subject's garage which is twice the size of the garage in BOR comparable #2 which is otherwise most similar to the subject dwelling. As the appellant did not challenge the land value of the subject property prior to raising the lot size in rebuttal, the Board finds the appellant did not submit evidence in the initial appeal sufficient to challenge the land assessment on grounds of overvaluation. In conclusion, based on this record, the Board finds a reduction in the subject's assessment is not appropriate.

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: July 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.