



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

APPELLANT: Merle & Carol Huff
DOCKET NO.: 08-02942.001-R-1
PARCEL NO.: 14-23-151-014

The parties of record before the Property Tax Appeal Board are Merle & Carol Huff, the appellants, 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: \$4,120
IMPR.: \$31,560
TOTAL: \$35,680

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story poured concrete single family dwelling with stucco finish and contains 1,776 square feet of living area. The dwelling has a concrete slab foundation and a three-car concrete block garage of 936 square feet of building area. The dwelling was constructed in 1937 and is located in Richwoods Township, Peoria County.

The appellant Merle Huff appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. Huff indicated that he has owned about 500 rental properties in the Peoria area over the past 35 years and contends that he is therefore familiar with area properties. He further contends that property values have decreased since the 1990s. As to the subject property, Huff testified that it is a very unique property with arched doorways which has never been occupied since he purchased it about 10 years ago. Huff further testified that he would 'currently' [in Fall 2010] market the property for \$150,000.

In support of the overvaluation argument, the appellant submitted sales data on three comparable properties improved with one-story dwellings that range in size from 864 to 1,391 square feet of living area. The dwellings were constructed between 1905 and 1955. Two comparables have unfinished basements while one has a concrete slab foundation. Two comparables have central air conditioning and one comparable has a fireplace. As to proximity, none of the comparable is in the same neighborhood code assigned by the assessor as the subject property. The sales occurred from March 2005 to September 2007 for prices ranging from \$29,900 to \$43,000 or from \$24.88 to \$34.72 per square foot of living area including land. To further document the sales the appellants submitted copies of multiple listing service (MLS) sheets associated with the sales. The MLS information for two of the comparables indicated that the homes were REO.¹ Comparable #1 is sold "as is" and comparable #3 is "currently rented thru section 8 for \$650 per month." Based on this evidence the appellants requested the subject's assessment be reduced to \$15,000 or a market value of approximately \$45,000.

On cross-examination, Huff testified that the property has been broken into six times or so and he has been unable to find any tenant to occupy the property on a regular basis. He further testified that the property sits down low on Route 29, not on top of a ridge for a river view. As to the presentation of one-story comparable properties, Huff acknowledged that he did not prepare the evidence presented herein on his behalf and could not further explain how these properties would be comparable to the two-story subject. Huff admitted that he has not been in any of the comparables he presented.

The board of review (BOR) submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$35,680 was disclosed. The subject's assessment reflects a market value of approximately \$107,697 or \$60.64 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 a one and one-half-story and two, two-story dwellings of frame or stucco construction that range in size from 1,210 to 2,042 square feet of living area. Each comparable has a basement, two of which are finished. Each comparable has central air conditioning, one or two fireplaces, and four comparables have a garage of either 576 or 832 square feet of building area. The dwellings were constructed between 1925 and 1941 and have reported effective ages ranging from 1925 to 1960. The subject was described as built in 1937 with an effective age of 1950. One comparable has the same neighborhood code as the subject. The BOR also provided a map depicting the location of the subject and the comparables used by both parties.

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*.

The map depicted comparable #1 used by the BOR as being located closer to the subject than were BOR comparables #2 and #3 and those used by the appellant which were each more than 1-mile from the subject. The sales occurred from April 2007 to May 2008 for prices ranging from \$111,000 to \$112,900 or from \$54.36 to \$93.31 per square foot of living area including land. Based on this evidence, the BOR requested the subject's assessment be confirmed.

In rebuttal, the appellants noted the BOR comparables all have basements. Moreover, appellants submitted copies of MLS sheets for the BOR comparables arguing that each of those BOR comparables were in superior condition and have features and/or updates that the subject does not have.

After hearing the testimony and considering the record, 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 appellants contend 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. Appellants' comparables #1 and #2 along with each of the BOR comparables have basements, not enjoyed by the subject. Each of appellants' comparables is a one-story dwelling, dissimilar to the subject's two-story design. In light of age and size considerations, the Property Tax Appeal Board finds appellants' comparable #2 and each of the BOR comparables were most similar to the subject dwelling. Thus, these comparables were given the most weight in the Board's analysis. The most similar comparables sold for unit prices ranging from \$24.88 to \$93.31 per square foot of living area. The subject's assessment reflects a market value of \$60.64 per square foot of living area land included which is within the range established by the best comparables on a square foot basis. The appellant also testified that he would list the property currently for \$150,000 which, if an accurate reflection of market value, would result in an assessment of approximately \$50,000 for the subject. Based on this record the Board finds a reduction in the subject's total assessment of \$35,680 is not justified.

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.

Donald 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: June 24, 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.