



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

APPELLANT: Lyle Fricke
DOCKET NO.: 08-02976.001-R-1
PARCEL NO.: 14-32-258-045

The parties of record before the Property Tax Appeal Board are Lyle Fricke, 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 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: \$2,800
IMPR.: \$10,419
TOTAL: \$13,219**

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 1921. It has 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. They are located in areas with different neighborhood codes than the subject. The appellant's comparables consist of one-story frame dwellings. They were built from 1920 to 1947. They contain 624 to 796 square feet of living area. Two have basements, and two have garages. The comparables sold from August 2007 to May 2008 for \$12,000 to \$18,000 or \$19.23 to \$26.63 per square foot of living area including land. Based on this evidence, the appellant 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 \$15,250 was disclosed. The subject's assessment reflects an estimated market value of \$46,031 or \$53.28 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. The board of review provided a map of the location of the subject with respect to the comparables offered by both parties. The board of review's comparables are 0.07 to 0.39 mile from the subject. The appellant's comparables are 0.47 to 0.72 mile from the subject. The board of review's comparables consist of one-story frame dwellings that were built from 1924 to 1929. The dwellings have 872 to 1,046 square feet of living area. All have basements and central air conditioning, and two have garages. The board of review's comparables sold from July to December 2007 for \$60,000 to \$66,000 or \$57.36 to \$75.34 per square foot of living area including land. The board of review included an MLS listing sheet for the subject that indicated it was listed on 3/10/2007 and remained on the market for 350 days when the listing expired with a listing price of \$39,900. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant questioned how the board of review could contend the subject is worth \$46,000 if it was listed for \$39,900 and did not sell. The appellant also submitted MLS listing sheets related to the board of review's comparables and highlighted differences between them and the subject. 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 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 this burden has been met.

The record contains six suggested comparable sales for the Board's consideration. The appellant's comparables are located nearly one-half mile or more from the subject. The board of review's comparables are located nearer to the subject but have central air conditioning the subject doesn't enjoy. The six comparables sold for \$12,000 to \$66,000 or \$19.23 to \$75.34 per square foot of living area including land. The subject's estimated market value of \$46,031 or \$53.28 per square foot of living area including land is within that range. However, evidence offered by both parties indicate the subject was offered for sale through an MLS listing and that listing expired in February 2007 after 350 days on the market. The Board finds the listing price of \$39,900 sets an upper limit of the market value of the subject and that is lower than the subject's estimated market value of \$46,031. After considering the evidence the

Board finds a preponderance of the evidence indicates the subject is overvalued and a reduction is warranted. Peoria County's 2008 three-year median level of assessments of 33.13% shall be applied to the \$39,900 upper limit of the subject's market value.

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.