



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

APPELLANT: Lyle Fricke
DOCKET NO.: 08-02977.001-R-1
PARCEL NO.: 14-28-151-004

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 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: \$7,600
IMPR.: \$46,480
TOTAL: \$54,080**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story, duplex dwelling of brick construction containing 2,195 square feet of living area. The dwelling was built in 1963. It has central air conditioning and 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, and the appellant did not indicate their proximity to the subject. The appellant's comparables consist of one-story, brick or brick and cedar, duplex dwellings. They were built from 1968 to 1971. They contain 1,872 to 2,112 square feet of living area. Each has central air conditioning and two garages, and two have basements. The comparables sold in August 2007 or May 2008 for \$125,000 to \$132,000 or \$61.55 to \$66.77 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 \$54,080 was disclosed. The subject's assessment reflects an estimated market

value of \$163,236 or \$74.37 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 that indicated the locations of the subject and the comparables provided by both parties along with the distance of each comparable from the subject. The board of review's comparables are located 0.10 to 1.28 miles from the subject. The appellant's comparables are identified as being from 0.14 to 1.84 miles from the subject. However, the Board notes that in Docket No. 2008-02978 the board of review placed the appellant's nearest comparable approximately two miles further north on the map. The board of review's comparables consist of one-story, frame, duplex dwellings that were built from 1963 to 1968. The dwellings have 1,456 to 2,944 square feet of living area. All have central air conditioning, two have basements with finished areas, and one has two garages. The board of review's comparables sold from January to December 2007 for \$117,500 to \$210,000 or \$69.66 to \$80.36 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 appellant submitted MLS listing sheets related to the board of review's comparables and highlighted differences between the subject and the board of review's comparables. The appellant indicated the subject is built on a slab contrary to the board of review's grid listing a basement and referenced the property record card in the board of review's evidence. The appellant also indicated that the board of review's comparable #3 sold on a "one time show." 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 not 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 not been met.

The Board finds based on the subject's property record card that the subject does not have a basement.

The record contains six suggested comparable sales for the Board's consideration. The board of review's comparables #1 and #3 are much larger and much smaller than the subject, respectively. Also, the board of review's comparable #3 was on

the market for zero days, so its selling price may not be indicative of its market value. The board of review's comparable #2 and the appellant's comparables #2 and #3 are located from 1.28 to 1.84 miles from the subject and are given reduced weight in the Board's analysis. That leaves one remaining comparable, the appellant's comparable #1, which is similar to the subject in most property characteristics. It sold for \$130,000 or \$61.55 per square foot of living area including land, which is much lower than the subject's estimated market value of \$163,236 or \$74.37 per square foot of living area including land. However, one comparable is insufficient evidence to indicate the subject is overvalued. Also, there is some question about the location of the appellant's comparable #1 because in Docket No. 2008-02978 the board of review indicates that property is located approximately two miles north of the location plotted in the instant case. After considering the evidence the Board finds a preponderance of the evidence does not indicate the subject is overvalued and a reduction is not 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 P. 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.