



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

APPELLANT: Lyle Fricke
DOCKET NO.: 08-02981.001-R-1
PARCEL NO.: 14-27-176-034

The parties of record before the Property Tax Appeal Board are Lyle Fricke, the appellant, by attorney Clyde B. Hendricks of 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: \$3,960
IMPR.: \$20,740
TOTAL: \$24,700

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of one-story duplex with 1,140 square feet of living area. The subject has central air conditioning and a detached garage with 308 square feet of building area. The duplex was constructed in 1950.

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 two, one-story duplexes and a two-story duplex that range in size from 1,488 to 1,976 square feet of living area. The duplexes were constructed from 1972 to 1977. One comparable has a basement, each comparable has central air conditioning and one comparable has a detached garage with 484 square feet of building area. The appellant also indicated each of the comparables has a different neighborhood code than the subject property. To further document the sales the appellant submitted copies of the multiple listing service (MLS) sheets associated with each sale. The sales occurred from August 2007 to December 2007 for prices ranging from \$76,000 to \$95,000 or from \$38.46 to \$56.54 per square foot of living area, land included. Based on this evidence the appellant requested the subject's assessment be reduced to \$22,340.

The board of review (BOR) submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling

\$28,040 was disclosed. The subject's assessment reflects a market value of approximately \$84,636 or \$74.24 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 its contention of the correct assessment the BOR submitted information on three comparables that were improved with one-story duplexes that range in size from 1,344 to 1,872 square feet of living area. Two comparables have a basement, two comparables have central air conditioning, one comparable has an attached garage with 484 square feet of building area and one comparable has a detached garage with 660 square feet of building area. The duplexes were constructed from 1956 to 1970. The BOR indicated one comparable had the same neighborhood code as the subject. The BOR also submitted a map noting the location of the subject and the comparables used by the parties. The sales occurred from February 2006 to August 2007 for prices ranging from \$90,000 to \$125,000 or from \$66.77 to \$80.36 per square foot of living area, including land. Based on this evidence, the BOR requested the subject's assessment be reduced to \$26,660.

In rebuttal the appellant contends each of the BOR comparables was larger than the subject. The appellant further noted that BOR comparable #2 had a finished basement and BOR comparable #3 is located in a superior neighborhood.

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 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 support a reduction in the subject's assessment.

The record contains information on 6 comparable sales submitted by the parties. The Board finds appellant's comparable #2 is a different style than the subject and is given no weight. The five remaining comparables were one-story duplexes that ranged in size from 1,344 to 1,872 square feet of living area. The comparables were newer than the subject being constructed from 1956 to 1973. Three of the comparables were superior to the subject with basements and two were inferior to the subject with no garages. These comparables sold from February 2006 to December 2007 for prices ranging from \$82,000 to \$125,000 or \$55.10 to \$80.36 per square foot of living area, including land. The subject's assessment reflects a market value of \$84,636 or \$74.24 per square foot of living area, land included, which is above the price of four of the five best comparables in the record on a

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square foot basis. Based on this record the Board finds a reduction in the subject's assessment is 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: April 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.