



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

APPELLANT: Terry Dies
DOCKET NO.: 08-02988.001-R-1
PARCEL NO.: 18-04-101-007

The parties of record before the Property Tax Appeal Board are Terry Dies, 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: \$ 2,010
IMPR.: \$ 11,450
TOTAL: \$ 13,460

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of brick construction containing 888 square feet of living area. The dwelling was built in 1930. It has a basement, central air conditioning and a fireplace. The property also contains a second dwelling of frame construction that contains 420 square feet.

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. 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 \$13,460 was disclosed. The subject's assessment reflects an estimated market value of \$40,628 or \$45.75 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 0.41 to 0.78 mile from the subject. The appellant's comparables are located 0.09 to 0.39 mile from the subject. The board of review's comparables consist of one-story frame dwellings that were built from 1925 to 1936. The dwellings have 792 to 936 square feet of living area. All have basements and garages, and one has central air conditioning. The board of review's comparables sold in July or November 2007 for \$40,000 to \$54,900 or \$50.51 to \$58.65 per square foot of living area including land. The board of review provided an expired MLS listing sheet for the subject from 1999-2000 that included in the description "2ND HOUSE ON PROPERTY COULD BE FIXED UP FOR ADDITIONAL INCOME." The property record card indicates the second dwelling contains 420 square feet and contains a bedroom, a bathroom and a kitchen and has forced-air gas heat and a hot water heater. 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 two of 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 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 record contains six suggested comparable sales for the Board's consideration. The six comparables are similar to the subject in size and design. However, five of the comparables lack central air conditioning enjoyed by the subject, and five have garages the subject lacks. None is brick similar to the subject, none has a fireplace, and none has the amenity of a second dwelling on the property. Given the differences between the subject and each of the comparables, none of the comparables is truly similar to the subject. However, the Board notes the six comparables sold for \$12,000 to \$54,900 or \$19.23 to \$58.65 per square foot of living area including land. The subject's

estimated market value of \$40,628 or \$45.75 per square foot of living area including land is well within that range. 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 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: January 21, 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.