



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

APPELLANT: James & Diane Foster
DOCKET NO.: 08-03083.001-R-1
PARCEL NO.: 13-13-307-015

The parties of record before the Property Tax Appeal Board are James & Diane Foster, the appellants, 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: \$3,860
IMPR.: \$24,480
TOTAL: \$28,340

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a bi-level frame dwelling containing 1,706 square feet of living area that was built in 1971. Features include a full finished basement and central air conditioning. The dwelling is situated on a 16,214 square foot lot located in Peoria Township, Peoria County, Illinois.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants submitted three suggested comparable sales. Two comparables are located in the same assessment neighborhood code as the subject as defined by the local assessor. However, the comparables proximity in relation to the subject was not disclosed. Two comparables are bi-level dwellings and one comparable is a one-story ranch dwelling. The comparables are of frame construction and were built from 1969 to 1971. They contain from 925 to 1,874 square feet of living area. Two comparables have finished basements and central air conditioning. One comparable has an attached 300 square foot garage and another comparable has a detached 384 square foot garage. The comparables sold from May 2007 to June 2008 for

prices ranging from \$42,500 to \$67,000 or from \$32.67 to \$64.76 per square of living area including land. Based on this evidence, the appellants 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 \$28,340 was disclosed. The subject's assessment reflects an estimated market value of \$85,542 or \$50.14 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 submitted property record cards and property characteristic sheets of three suggested comparable sales. The board of review also supplied a map depicting the proximity of the comparables in relation to the subject. The comparables are located in the same assessment neighborhood code as the subject, with one of the three located on the same street as the subject. The comparables consist of bi-level frame dwellings that were built from 1970 to 1972. They contain 1,550 or 1,846 square feet of living area and have full finished basements, central air conditioning and detached garages ranging in size from 360 to 600 square feet of building area. The comparables sold in August 2008 and November 2008 for prices ranging from \$86,000 to \$90,000 or from \$48.75 to \$57.74 per square of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants submitted Multiple Listing Sheets for two of the comparable sales submitted by the board of review. The appellants argued the comparables have updated features and are in superior condition when compared to the subject. The appellant claims the board of review's comparable #1 did not go thru MLS, so there was no way to know what updates were done prior to the sale. The appellants also argued it is unfair to compare owner occupied dwellings to a rental dwelling, but failed to identify which comparables are owner occupied or rental dwellings.

After hearing testimony 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 no reduction in the subject's assessment is warranted.

The appellants argued the subject property 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 the appellants have not overcome this burden.

The record contains six suggested comparable sales for the Board's consideration. The Board gave less weight to the

appellants' comparable #2 due to its dissimilar one-story design when compared to the subject's bi-level design. In addition, the comparable is significantly smaller in size and lacks a basement when compared to the subject. The Board also gave less weight to the appellant's comparable #3 due to its dissimilar location neighborhood code as the subject as defined by the local assessor. The Board finds the remaining four comparables are more similar to the subject in location, age, size, style and features. They sold from October 2007 to November 2008 for prices ranging from \$42,500 to \$90,000 or from \$32.67 to \$57.74 per square of living area, including land. The subject's assessment reflects an estimated market value of \$85,542 or \$50.14 per square foot of living area including land, which is within the range established by the most similar sales in the record. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction is 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

Acting 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 20, 2012

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.