



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

APPELLANT: Tim & Jean Finefield
DOCKET NO.: 09-02128.001-R-1
PARCEL NO.: 13-14-176-009

The parties of record before the Property Tax Appeal Board are Tim & Jean Finefield, the appellants; 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: \$ 19,920
IMPR.: \$ 72,540
TOTAL: \$ 92,460**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story brick and frame dwelling containing 2,737 square feet of living area that was built in 1990. Features include an unfinished basement, central air conditioning, a fireplace and a 674 square foot attached garage. The dwelling is situated on approximately 18,963 square feet of land area. The subject property is located in the City of Peoria Township, Peoria County.

The appellants submitted a residential appeal petition before the Property Tax Appeal Board claiming the subject's improvement assessment is incorrect¹ based on two primary factors: (1) that the subject property does not contain a finished basement and (2) the Peoria County Board of Review instituted a 13% increase in the subject's assessed valuation based upon a false assumption that the subject has a finished basement.

The appellants submitted photographs that depict the subject's unfinished basement. The appellants also referenced a

¹ The residential appeal form indicates that the basis of the appeal was recent construction.

correspondence dated July 10, 2008, from the Peoria County Board of Review to the Property Tax Appeal Board. The letter states the subject's property record card does not indicate any finish in the basement and the board of review would make an adjustment for this deficiency if the appellants requested an interior inspection to verify.

The appellants' submission of evidence also contained three suggested comparable sales located in the subject's assessment neighborhood code. The comparables consist of two-story frame and brick dwellings that were built in 1990 or 1991. The comparables have finished basements, central air conditioning, one fireplace and garages that range in size from 714 to 805 square feet. The dwellings range in size from 2,492 to 2,878 square feet of living area. The comparables sold from September 2004 to February 2009 for prices ranging from \$250,000 to \$265,000 or from \$90.65 to \$104.74 per square foot of living area including land.

Based on this evidence, the appellants requested the subject's assessment be "reset" to its 2006 assessment amount of \$83,330.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$92,460 was disclosed. The subject's assessment reflects an estimated market value of \$281,118 or \$102.71 per square foot of living area including land using Peoria County's 2009 three-year median level of assessments of 32.89%.

In support of the subject's assessment, the board of review submitted property record cards, aerial photographs and an analysis of three suggested comparable sales. One comparable is located in the subject's subdivision. The proximate location of the comparables in relation to the subject was not disclosed. The comparables consist of two-story frame dwellings that were built in 1994 or 1998. Two comparables have finished basements and one comparable has an unfinished basement. Other features include central air conditioning, one fireplace and garages that range in size from 576 to 723 square feet. The dwellings range in size from 2,480 to 2,920 square feet of living area. The comparables sold from July 2008 to April 2009 for prices ranging from \$278,000 to \$317,900 or from \$103.08 to \$112.90 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 appellants argued the appeal is not based on comparisons, but on a false and incorrect assessment. The appellants argued it is obvious that the subject's assessment includes a value for a finished basement because the board of review offered to make an adjustment for this deficiency if the appellants requested an interior inspection to verify. The appellants also argued the comparables used by the board of review contains finished basements.

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 no reduction in the subject's assessment is warranted.

After reviewing the subject's property record card, the Property Tax Appeal Board finds the appellants' claim that the subject property is inappropriately assessed for a finished basement to be without merit. The Board finds nowhere on the subject's property record is the dwelling described or assessed as having finished basement area. In fact, the Board finds the evidence submitted by the board of review describes the subject as having an unfinished basement. Thus, this aspect of the appellants' assessment complaint was given no weight.

The Board also gave little merit to the appellants' argument that Peoria County Assessment Officials unjustly increased the subject's assessment by 13% because it has a finished basement. The Board finds this claim is not supported or demonstrates the subject's assessment is incorrect. The Board finds rising or falling assessments from assessment year to assessment year on a percentage basis do not indicate whether a particular property is incorrectly assessed or overvalued. Credible market data should be compared and analyzed to determine whether a particular property's assessment is reflective of fair market value. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior year's assessments.

When market value is the basis of the appeal, the value 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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellants have not met this burden of proof and no reduction in the subject's assessment is warranted.

The record contains six suggested comparable sales for the Board's consideration. The Board gave less weight to comparables 1 and 2 submitted by appellants. These properties sold in 2004 and 2006, which are not credible market value indicators as of the subject's January 1, 2009 assessment date. The Board finds the four remaining comparables are more similar when compared to the subject in design, size, age and most features, however; three of the four comparables have finished basements, superior to the subject. The comparables sold from July 2008 to April 2009 for prices ranging from \$265,000 to \$317,900 or from \$92.08

to \$112.90 per square foot of living area including land. The one comparable that had an unfinished basement like the subject sold in December 2008 for \$280,000 or \$112.90 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$281,118 or \$102.71 per square foot of living area including land, which falls within the range established by the most similar comparable sales contained in this record. After considering any necessary adjustments to the comparables for differences when compared to the subject, such as finished basements, the Board finds the subject's assessed valuation 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

Frank J. Huff

Member

Mario M. Louie

Member

J.R.

Member

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: March 22, 2013

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.