



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

APPELLANT: Donald Holley
DOCKET NO.: 10-00804.001-R-1
PARCEL NO.: 14-34-158-008

The parties of record before the Property Tax Appeal Board are Donald Holley, 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: \$2,660
IMPR.: \$9,940
TOTAL: \$12,600**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 1.5-story dwelling¹ of frame construction containing 929 square feet of living area. The dwelling was constructed in 1920. Features of the home include a full unfinished basement. The property is located in Peoria, City of Peoria Township, Peoria County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted information on three comparable sales described as one-story dwellings of frame construction that range in size from 1,008 to 1,185 square feet of living area. The dwellings were constructed from 1900 to 1920. Two of the comparables have the same neighborhood code as the subject property. Features of the comparables include partial unfinished basements and two of the comparables have garages of 432 and 576 square feet of building area, respectively. The comparables sold from February to August 2010 for prices ranging from \$8,000 to \$13,000 or from \$7.71 to \$11.90 per square foot of living area, including land.

As part of the submission, the appellant also reported the August 2007 sale of the subject property for \$5,500. The attached

¹ The assessing officials described the subject as a 1.5-story dwelling while the appellant described the home as a one-story, but attached a copy of the property record card that reveals a finished attic feature.

Multiple Listing Service sheet regarding that transaction indicated the property was sold as-is and the "house had electrical fire that started in upstairs attic June 07 . . . travel upstairs at your own risk lots of drywall & debris on floors & stairway upstairs."

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$4,000 which would reflect a market value of approximately \$12,000 or \$12.92 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$12,600 was disclosed. The subject's assessment reflects a market value of \$38,032 or \$40.94 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Peoria County of 33.13% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

In response to the appellant's evidence, the board of review noted that the 2007 sale of the subject property was with fire damage that was repaired in 2007 after the sale.

In support of the subject's assessment, the board of review presented information on four comparable sales, three of which were located in the same neighborhood code as assigned by the assessor as the subject property. The comparables are improved with two 1-story and two 1.5-story dwellings of frame exterior construction. The homes range in size from 960 to 1,148 square feet of living area. The dwellings were constructed from 1915 to 1935. Features of the comparables include a basement, one of which includes a recreation room. Three of the comparables have central air conditioning and each of the comparables has a garage ranging in size from 240 to 660 square feet of building area. The comparables sold from March 2009 to April 2010 for prices ranging from \$45,500 to \$60,000 or from \$47.13 to \$52.26 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant noted that the comparables enjoy features of garages and/or air conditioning that are not enjoyed by the subject property. In reliance upon Multiple Listing Service sheets for the board of review comparables, the appellant contends comparable #1 has new HVAC and windows, comparable #2 has an extra half-bath as compared to the subject, comparable #3 has basement finish, a fireplace and newer windows not enjoyed by the subject and comparable #4 similarly has new windows.

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 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); 86 Ill.Admin.Code §1910.63(e). 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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of seven comparable sales to support their respective arguments before the Property Tax Appeal Board. The Board finds each of these comparables is similar to the subject in location, size, style, exterior construction, features and/or age. The properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$8,000 to \$60,000 or from \$7.71 to \$52.26 per square foot of living area, including land. The subject's assessment reflects a market value of \$38,032 or \$40.94 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Considering adjustments for differences, the subject's estimated market value is well supported by the most similar sale identified as board of review comparable #4 which sold for \$47.40 per square foot of living area, including land, even considering its garage amenity and updated windows.

Based on this record the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is not justified.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: August 23, 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.