



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

APPELLANT: Brian Herbst
DOCKET NO.: 10-00816.001-R-1
PARCEL NO.: 08-15-254-001

The parties of record before the Property Tax Appeal Board are Brian Herbst, the appellant, 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: \$20,110
IMPR.: \$96,410
TOTAL: \$116,520

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 6-year old, 1.5-story dwelling of frame exterior construction containing 2,822 square feet of living area with a full unfinished basement, central air conditioning, a fireplace and a three-car garage of 840 square feet of building area. The property is located in Dunlap, Radnor Township, Peoria County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted information on three sales comparables located either on the same street or same subdivision as the subject property as set forth in a grid analysis. The properties were described as improved with a one-story, a 1.5-story and a two-story frame dwelling although the attached color photographs of the comparables depict that each comparable has a second story area. The homes range in age from 4 to 11 years old and range in size from 2,672 to 2,840 square feet of living area. Each home has an unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 552 to 977 square feet of building area. The sales occurred from June 2009 to August 2009 for prices ranging from \$288,500 to \$319,000 or from \$107.97 to

\$112.32 per square foot of living area, including land.¹ Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$106,879 or a market value of approximately \$320,637 or \$113.62 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$116,520 was disclosed. The subject's assessment reflects an estimated market value of \$351,705 or \$124.63 per square foot of living area, including land, using the 2010 three-year median level of assessments for Peoria County of 33.13%.

In support of the subject's assessment, the board of review presented descriptions and sales data on six comparable properties where comparable #3 is the same property as appellant's comparable #1. Each comparable is located in the same neighborhood code assigned by the assessor as the subject property. The comparables consist of a one-story, two, 1.5-story and three, two-story frame dwellings that range in age from 3 to 10 years old. The dwellings range in size from 2,257 to 3,050 square feet of living area. Each home has a basement, two of which include finished basement area. The dwellings also have central air conditioning and garages ranging in size from 640 to 977 square feet of building area. Four of the comparables have a fireplace. The comparables sold between June 2008 and September 2010 for prices ranging from \$276,000 to \$453,500 or from \$111.89 to \$154.36 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

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 assessment of the subject property is excessive and not reflective of its market value. 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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal

¹ The appellant's grid analysis reported incorrect sale prices for each of the comparables; the price per square foot is calculated by dividing the total sale price by the above-grade living area square footage.

Board with one common property between the parties. The Board has given less weight to board of review comparables #5 and #6 because their dates of sale were most distant from the assessment date at issue of January 1, 2010 and are therefore least relevant to analyzing the subject's estimated market value as of the date at issue. The Board finds the remaining six comparables submitted by both parties were most similar to the subject in size, design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between June 2009 and September 2010 for prices ranging from \$107.97 to \$154.36 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$351,705 or \$124.63 per square foot of living area, including land, which is within the range established by the most similar comparables on a per square foot basis. After considering the most comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

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

Frank J. Huff

Member

Mark Morris

Member

JR

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: May 24, 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.