



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

APPELLANT: Thomas Cummings  
DOCKET NO.: 11-01087.001-R-1  
PARCEL NO.: 18-05-177-014

The parties of record before the Property Tax Appeal Board are Thomas Cummings, 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 a reduction 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:** \$7,810  
**IMPR.:** \$33,370  
**TOTAL:** \$41,180

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of frame construction containing 2,516 square feet of living area. The dwelling was constructed in 1909. Features of the home include a full partially finished basement, a fireplace and a 400 square foot detached garage. The property has a .37 acre site and 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 two-story dwellings of frame or masonry construction that ranged in size from 2,213 to 2,544 square feet of living area. The dwellings were constructed in 1904. Each comparable has the same neighborhood code as the subject property. Features of the comparables include a full or unfinished basement; one comparable has central air conditioning, a fireplace and detached garages ranging in size from 300 to 864 square feet of building area. The comparables

have sites ranging in size from .12 to .18-acre of land area. The comparables sold from March 2009 to May 2011 for prices ranging from \$80,000 to \$110,000 or from \$31.45 to \$49.71 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$32,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$54,460 was disclosed. The subject's assessment reflects a market value of \$165,180 or \$65.65 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for Peoria County of 32.97% as determined by the Illinois Department of Revenue.

The board of review presented information on three comparable sales improved with one, one-story<sup>1</sup> and two, two-story dwellings of frame construction that range in size from 2,120 to 2,272 square feet of living area. The dwellings were constructed from 1901 to 1924. Each has the same neighborhood code as the subject property. Features of the comparables include a full or partial basement with one comparable being partially finished; two comparables have central air conditioning, a fireplace and detached garages ranging from 352 to 720 square feet of building area. The comparables have sites ranging in size from .10 to .19-acre of land area. The comparables sold from January to June 2010 for prices ranging from \$133,500 to \$185,000 or from \$62.97 to \$81.43 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 appellant submitted a letter noting the board of reviews comments about the 2011 assessment being reasonable and a reduction was not warranted. The appellant also submitted a copy of the Multiple Listing Service sheet for the subject property. The subject property sold December 18, 2012 for \$124,900 or \$49.64 per square foot of living area, including land after being on the market for six months.

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 warranted.

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<sup>1</sup> The board of review has their comparable #1 listed as a one-story with living area on the second floor.

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 (3<sup>rd</sup> 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 has met this burden of proof and a reduction in the subject's assessment is warranted. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist. 1983).

The Board finds the best evidence of market value to be the purchase of the subject property on December 18, 2012 for a price of \$124,900. The appellant provided evidence demonstrating the sale had the elements of an arm's-length transaction. The Board finds the purchase price of \$124,900 is less than the market value reflected by the assessment of \$165,180. The Board finds the board of review did not present any evidence to challenge the arm's-length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for Peoria County for 2011 of 32.97% shall be applied.

Docket No: 11-01087.001-R-1

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

*Tracy 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: March 21, 2014

*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.