



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

APPELLANT: Warren E. Danz
DOCKET NO.: 11-01294.001-R-1
PARCEL NO.: 18-09-212-290

The parties of record before the Property Tax Appeal Board are Warren E. Danz, 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: \$8,200
IMPR: \$139,210
TOTAL: \$147,410

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story condominium which is located on the 28th and 29th floors of "The Twin Towers", a 29 floor high rise building. The condominium has a stone exterior and contains 2,718 square feet of living area. The condominium was built in 1984 and is in good condition. Features include 2 bedrooms, 2 full bathrooms, 1 half bathroom and central air conditioning. "The Twin Towers" is located on Jefferson Street in Peoria, City of Peoria Township, Peoria County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted three suggested comparable sales located in different assessment neighborhood codes than the subject as defined by the local assessor. The

proximity of the comparables to the subject was not disclosed. The comparables consist of one-story frame or brick condominiums containing from 1,600 to 1,894 square feet of living area. The condominiums were built from 1970 to 1997 and are in average condition. The condominiums feature 2 bedrooms, 2 or 3 full bathrooms and central air conditioning. Comparable #3 has a full, partially finished basement. The comparables sold from May 2009 to December 2010 for prices ranging from \$100,000 to \$123,000 or from \$61.17 to \$64.94 per square of living area including land.

Based on this evidence, the appellant 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 \$147,410 was disclosed. The subject's assessment reflects an estimated market value of \$447,103 or \$164.50 per square foot of living area including land using Peoria County's 2011 three-year median level of assessments of 32.97%.

In reference to the appellant's evidence, the board of review submitted the Multiple Listing Service (henceforth MLS) data sheets for the appellant's comparables #1 and #3. Comparable #1 is located in a 5-story building and comparable #3 is a conventional two-story condominium building.

In support of the subject's assessment, the board of review submitted a grid analysis of three suggested comparable sales, one of which is located in "The Twin Towers" high rise building. The proximity of comparables #1 and #2 was not disclosed. The comparables consist of one-story brick or stone condominiums containing from 1,010 to 1,660 square feet of living area. The condominiums were built in 1910 or 1984 and are in excellent or good condition. The comparables sold from June 2009 to November 2010 for prices ranging from \$186,900 to \$279,000 or from \$144.58 to \$185.05 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 appellant argued that the board of review selected dissimilar one-story condominiums, of which only one is located in "The Twin Towers". The appellant included the MLS data sheet for the board of review's comparable #3, located in "The Twin Towers". The MLS sheet disclosed that the condominium was a shell unit which was completed in 2009. In addition, the

appellant argued that the board of review's comparables #1 and #2 are in excellent condition and are smaller than the subject.

The appellant's rebuttal evidence included a new reference to 13 condominium sales from "The Twin Towers" that occurred from January 2009 to December 2011. The appellant also made reference to the board of review's selection of only one condominium from "The Twin Towers", when other sales were available.

The Board finds it cannot consider this new evidence. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties**. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

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.

The appellant 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. 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). After an analysis of the evidence, the Board finds the appellant has not overcome this burden.

The record contains six suggested comparable sales for the Board's consideration. The Board gave less weight to the appellant's comparable #3 due to its dissimilar conventional 2-story design, when compared to the subject. The Board finds the remaining five comparables were somewhat similar to the subject in that they are located within a multi-story condominium building. These comparables sold from May 2009 to December 2010 for prices ranging from \$100,000 to \$279,000 or from \$62.50 to \$185.05 per square foot of living area including land. The Board further finds the most comparable property is the board of review's comparable #3 located within "The Twin Towers". This comparable sold in June 2009 for \$240,000 or \$144.58 per square foot of living area including land. The subject's assessment

reflects an estimated market value of \$447,103 or \$164.50 per square foot of living area including land, which is within the range of the best comparables in this record, but above the best comparable in this record. However, after considering adjustments to the best comparable for differences when compared to the subject, such as the subject's superior location on the top floors of the "The Twin Towers" and its two-story design, the Board finds the subject's estimated market value as reflected by its assessment is justified 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

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.