



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

APPELLANT: Robert Swanson  
DOCKET NO.: 17-04071.001-R-1  
PARCEL NO.: 14-30-251-002

The parties of record before the Property Tax Appeal Board are Robert Swanson, the appellant; and the Peoria County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$6,800  
**IMPR.:** \$4,508  
**TOTAL:** \$11,308

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Peoria County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2017 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property consists of a one-story dwelling of brick exterior construction with 936 square feet of living area. The dwelling was constructed in 1966. Features of the home include a full unfinished basement<sup>1</sup>, central air conditioning and a 288 square foot garage. The property has a .28 acres 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 evidence disclosing the subject property was purchased on September 27, 2016 for a

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<sup>1</sup> The parties differ as to the description of the subject's basement. The appellant disclosed in Section III – Description of Property of the appeal petition that the subject property has an unfinished basement. In addition, the appellant submitted the Multiple Listing Service (MLS) sheet depicting the subject as having an unfinished basement. The board of review submitted the subject's property record card depicting the subject as having a 500 square foot finished rec room in the basement, which differs from the photographic evidence submitted by the board of review. The Board finds the best evidence of the subject's basement description was the MLS listing sheet submitted by both parties and the interior photos submitted by the board of review.

price of \$34,000. The appellant completed Section IV–Recent Sale Data of the appeal petition reporting that the subject property was purchased from the Secretary of Housing and Urban Development (HUD) as reported in the Settlement Statement submitted by the appellant. Also, the parties to the transaction were not related and the property was advertised by a realtor for seven days through the Multiple Listing Service (MLS). A copy of page one of the Settlement Statement similarly reflects the purchase price and date of sale. A copy of the sales contract depicts the distribution of broker's fees to one entity. To further document the sale, the appellant submitted a copy of the first page of the unrecorded PTAX-203 Illinois Real Estate Transfer Declaration and a copy of the subject's MLS listing sheet that reported the subject property “just needs your TLC to make this the perfect home.” Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,680. The subject's assessment reflects a market value of \$68,190 or \$72.85 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for Peoria County of 33.26% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located in the same neighborhood code as the subject as defined by the township assessor and within .55 of a mile of the subject property. The comparables were improved with one-story dwellings of brick exterior construction ranging in size from 780 to 1,053 square feet of living area. The dwellings were constructed in either 1956 or 1957. One comparable features a concrete slab foundation, two comparables have finished basements, each comparable has central air conditioning and a garage ranging in size from 228 to 441 square feet of building area. In addition, one comparable has a fireplace. The comparables have sites ranging in size from .25 to .28 of an acre of land area. These properties sold from May to December 2017 for prices ranging from \$73,000 to \$93,000 or from \$88.32 to \$102.56 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

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. 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in September 2016 for a price of \$34,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and the property had been advertised on the open market through the Multiple Listing Service. In further support of the transaction, the appellant submitted a copy of the MLS listing sheet, a copy of the sales contract, a copy of page one of the settlement statement and a copy of the first page of the

unrecorded PTAX-203 Illinois Real Estate Transfer Declaration. The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the subject's sale transaction. In addition, the assessing officials did not refute the contention that the purchase price was reflective of market value. The Board finds the purchase price of \$34,000 is below the market value of \$68,190 as reflected by the assessment. Furthermore, the Property Tax Appeal Board gave less weight to the board of review comparable sales as these sales do not overcome the subject's arm's-length sale price. The Illinois Supreme Court has defined fair cash value as 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 of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an 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).

Based on this record the Board finds the subject property had a market value of \$34,000 as of January 1, 2017. Since market value has been determined the 2017 three-year average median level of assessment for Peoria County of 33.26% shall apply. 86 Ill.Admin.Code §1910.50(c)(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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

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Chairman





\_\_\_\_\_  
Member

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Member





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Member

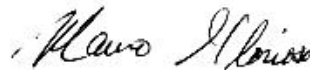
\_\_\_\_\_  
Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

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: November 19, 2019



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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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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APPELLANT

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COUNTY

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