



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

APPELLANT: Diane R. Clementz
DOCKET NO.: 13-00424.001-R-1
PARCEL NO.: 05-17-326-005

The parties of record before the Property Tax Appeal Board are Diane R. Clementz, the appellant, by attorney James A. Rodriguez of Guyer & Enichen, in Rockford, and the Boone 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 Boone County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$34,008
IMPR: \$82,933
TOTAL: \$116,941

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Boone County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 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 single-family dwelling of frame and brick exterior construction with 2,628 square feet of above-grade living area. The dwelling was constructed in 1993. Features of the home include a full basement with finished area, central air conditioning, a

fireplace and an attached 744 square foot garage. The property has a 2.59-acre site and is located in Belvidere, Belvidere Township, Boone County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted limited information on nine comparable sales of one-story dwellings with applicable Multiple Listing Service (MLS) data sheets. The summary information presented included dwelling size, ranging from 2,004 to 2,902 square feet, and year of construction, ranging from 1988 to 2002. These nine sales occurred between July 2012 and August 2013 for prices ranging from \$203,775 to \$480,000 or from \$89.81 to \$166.20 per square foot of living area, including land. As part of the submission, the appellant reported the median sale price was \$305,000 or \$119.05 per square foot of living area, including land, the median dwelling size was 2,269 square feet and the median age was 1997.

Based on this evidence, the appellant requested a total assessment of \$100,740 which would reflect a market value of approximately \$302,220 or \$115.00 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$116,941. The subject's assessment reflects a market value of \$351,069 or \$133.59 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Boone County of 33.31% as determined by the Illinois Department of Revenue.

The board of review submitted a memorandum which asserted that the appellant's comparable sale properties are all similar in size and amenities to the subject property. In a two-page grid analysis of the appellant's comparable sales, the Board finds a second sale of appellant's comparable #6 from October 2013 for \$450,000 or \$155.82 per square foot including land as compared to the appellant's data with a March 2013 sale for \$480,000 or \$166.20 per square foot including land. Likewise, appellant's comparables #7 and #9 have slightly lower sales prices of \$295,000 and \$230,000, respectively, as compared to the appellant's submission of \$305,000 and \$232,500, respectively.

The board of review asserted that appellant's comparables #4 and #5 were compulsory sales which sold by special warranty deed "reflecting potential liability specifically the condition of the properties at the time of sale among other unknown factors."

To support this contention, the board of review submitted Exhibit 3 consisting of copies of the PTAX-203 Illinois Real Estate Transfer Declarations for each of these sales noting both to have been "Bank REO" sales and noting that both properties were advertised prior to the sale transaction. The board of review further asserted that given the availability of other sales, these compulsory sales need not be considered; without the compulsory sales, the median sale price was \$126.36 per square foot of living area, including land.

The board of review also noted that appellant's comparable #7 does not have basement finish. The board of review also noted that appellant's comparables #6 and #8 are properties that are in the subject's subdivision.

In support of its contention of the correct assessment the board of review submitted information on seven comparable sales in Exhibit 5. The comparables were said to have similar amenities and would compete with the subject in the marketplace. These comparables sold between June 2011 and October 2013 for prices ranging from \$273,500 to \$380,000 or from \$119.80 to \$159.26 per square foot of living area, including land. The board of review reported these sales present a median sale price of \$137.05 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant contended that appellant's comparable #8 was the only property in the subject's subdivision that was similar in size, age and quality to the property on appeal. Appellant further argued that appellant's comparables #3, #4, #8 and #9 were each closest in age to the subject dwelling and should be given the most weight.

As to the appellant's comparables #4 and #5 that were bank REO sales, the appellant argues the properties were exposed to the market prior to sale. As to the board of review's comparables, except for two dwellings (comparables #5 and #7), the appellant contends each comparable home is smaller than the subject. However, while board of review comparables #5 and #7 are similar to the subject in size and features, the appellant contends these dwellings are newer than the subject.

As a final matter in rebuttal, appellant's counsel asserted that the subject was located "in the older portion" the subdivision; the argument is purportedly supported by appellant's comparable

#8 which is closer in proximity to the subject and sold for less per square foot.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As to the board of review's contention that appellant's sales #4 and #5 were "compulsory sales," the Board takes judicial notice of Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) **the first sale of real estate owned by a financial institution** as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. [Emphasis added.]

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2013 and the contention that the sales were "compulsory" is not alone a basis to give those sales less weight. Additionally, the

applicable MLS data sheets submitted by the appellant do not reference specific condition issues.

The parties submitted a total of sixteen comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #2, #3, #5 and #9 along with board of review comparables #1 and #4 as each of these homes is significantly smaller than the subject dwelling. The Board has also given diminished weight to board of review comparables #3 and #6 as their dates of sale were in 2011, dates more remote in time to the valuation date at issue of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the best evidence of market value to be appellant's comparable sales #1 and #4 through #8 along with board of review comparable sales #2, #5 and #7. These most similar comparables sold for prices ranging from \$203,775 to \$374,822 or from \$89.81 to \$137.05 per square foot of living area, including land. The subject's assessment reflects a market value of \$351,069 or \$133.59 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be well-justified when giving due consideration to the subject's large land area of 2.59-acres along with other amenities. Based on this evidence the Board finds 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.

Chairman

Klaus Albino

Member

[Signature]

Member

Member

Jerry White

Acting 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: July 24, 2015

[Signature]

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.