



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

APPELLANT: Martin Selover
DOCKET NO.: 13-02426.001-R-1
PARCEL NO.: 04-20-276-003

The parties of record before the Property Tax Appeal Board are Martin Selover, the appellant, by Jerri K. Bush, Attorney At Law, in Chicago, and the Winnebago 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 **Winnebago** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,210
IMPR.: \$12,621
TOTAL: \$23,831

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Winnebago 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 two-story single-family dwelling of frame construction with 1,352 square feet of living area. The dwelling was constructed in 2008. Features of the home include a full basement, central air conditioning, a fireplace and an attached 728 square foot garage. The property

has a .24-acre site and is located in Rockton, Roscoe Township, Winnebago 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 November 28, 2011 for a price of \$71,500. 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 \$44,720. The subject's assessment reflects a market value of \$134,902 or \$99.78 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Winnebago County of 33.15% as determined by the Illinois Department of Revenue.

In response, the board of review submitted a memorandum from Joann L. Hawes, Roscoe Township Assessor, who asserted that the subject property was "lost in a foreclosure" in 2011. The "governmental sale" was \$71,500. A building permit was obtained for the property in May 2012 for a deck. The subject property was inspected by the assessor's office in August 2013 and "brought to full market value for January 1, 2013."

She further asserted that the subject's subdivision of Kensington East No. 2 consists of "lower priced models with a letter, such as the subject is a model D and slightly higher priced models with a name such as an Ashston."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four equity comparables of two-story frame "Model D" dwellings located in either Rockton or South Beloit. The comparables were identical in size to the subject and were built in either 2007 or 2008. Each home has a full basement and an attached 728 square foot garage. One comparable does not have air conditioning or a fireplace. There is no sale price data or sale dates in the grid analysis. The assessment data submitted in the grid analysis is not responsive to the appellant's overvaluation argument and will not be further addressed in this decision.

Based on the foregoing non-responsive argument, 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 and only evidence of market value was submitted by the appellants as the November 2011 purchase price of the subject property for \$71,500. The board of review through the township assessor provided a grid analysis of four equity comparables which was not responsive to the appellant's overvaluation complaint.

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, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 90 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the sale date and purchase price along with a copy of the Multiple Listing Service data sheet reflecting the original listing date of August 5, 2011 with an asking price of \$110,000 and a copy of the Listing & Property History Report which reiterated the listing and asking price history for the 90 day period prior to the sale.

On this limited record, the Board finds the purchase price of \$71,500 is below the market value reflected by the assessment of \$134,902. Furthermore, the Property Tax Appeal 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 such as providing recent comparable sales of similar properties in the subject's immediate neighborhood.

Based on this limited record, the Board finds the subject property has been shown to be overvalued and a reduction in the subject's assessment commensurate with the appellant's request 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.

Chairman

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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: November 20, 2015

A. Proctor

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.