



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

APPELLANT: TDH Investments LLC
DOCKET NO.: 13-02611.001-C-1 through 13-02611.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are TDH Investments LLC, the appellant, by attorney James E. Tuneberg of Guyer & Enichen, in Rockford, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
13-02611.001-C-1	12-32-376-047	20,278	60,695	\$80,973
13-02611.002-C-1	12-32-376-046	22,360	0	\$22,360

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from decisions of the Winnebago County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessments 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 two adjacent parcels, one of which is improved with a one-story concrete block auto repair facility with 10,912 square feet of building area. The building was constructed in 1986 and has ceiling heights in the service

area ranging from 16 feet to 18 feet. Features of the building include 1,024 square feet of office/customer areas, four overhead doors and room for 11 lifts in the service bay area. The property has a 47,100 square foot site and is located in Rockford Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$310,000 as of June 6, 2013.

The appraiser utilized the sales comparison approach to value the subject property by analyzing four sales and one listing of comparable properties. Comparable #1 was a listing and comparable #2 was located in Belvidere. The comparable auto repair facilities range in size from 4,111 to 18,254 square feet of building area and were built between 1956 and 1975. The comparables have from 5% to 48% office/showroom space. Four of properties sold between November 2010 and December 2012. The properties had sale or asking prices ranging from \$99,900 to \$275,000 or from \$13.70 to \$34.99 per square foot of building area, including land. The appraiser on page 34 of the report made adjustments to the comparables for differences from the subject in conditions of sale, market conditions, size, land building ratio/parking, age/condition, percent office, construction quality, basement space and/or mezzanine space. After the adjustments, the appraiser estimated prices for the comparables ranging from \$18.49 to \$32.19 per square foot of building area, including land. From this data, the appraiser estimated a market value for the subject of \$28.00 per square foot of building area, including land, or a market value of \$310,000, rounded.

Based on the foregoing evidence, the appellant requested a total assessment of \$103,333 in order to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for both of the subject parcels of \$147,500. The subject's total assessment reflects a market value of \$444,947 or \$40.78 per square foot of building 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 the township assessor who noted that appraisal sales #1 and #2 were located "outside Rockford Township so I cannot inspect them for

comparison." As to appraisal sale #3, the assessor was unable to find documentation of the reported sale in the recorder's office; additionally, the subject property was noted to be almost 20 years newer than the comparable, in better condition and in a far superior location than the comparable. Appraisal sale #4 was 30 years older than the subject property, was originally built as a gas station and is in much worse condition than the subject; there is also limited parking space for vehicles awaiting service and/or for customer parking. Appraisal sale #5 is almost 20 years older than the subject, but is the most comparable property to the subject.

As to the adjacent parcel that is part of the subject property, the township assessor noted this parcel is partially blacktopped and used to park cars for customers and vehicles awaiting service. "Without this land they would have a problem with not enough parking."

In support of its contention of the correct assessment the board of review through the township assessor submitted three property record cards reflecting sales where board of review comparable #1 was the same property as appraisal sale #5. The township assessor contended that comparables #2 and #3 were "considerably smaller than the subject and much older and not as well maintained." Interpreting the property record cards, the Board finds the parcels are improved with buildings ranging in size from 2,016 to 7,400 square feet of building area which were built between 1952 and 1985. The properties sold between November 2010 and January 2012 for prices ranging from \$110,000 to \$235,000 or from \$31.76 to \$56.25 per square foot of building area, including land.

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

The appellant through legal counsel filed written rebuttal that misstated the basis of the appellant's appeal and those aspects of the rebuttal will not be further addressed in this decision. The appellant did assert that sale #1 from the board of review which was appraisal sale #5 in the appellant's appraisal report was "too old to be used here" since the sale occurred in 2010. As to board of review sale #2, the appellant's counsel asserted the sale was too new for a valuation in 2013 since the sale occurred in 2014.

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 appraisal submitted by the appellant with an estimated market value of \$310,000 as of June 6, 2013. The subject's assessment reflects a market value of \$444,947 or \$40.78 per square foot of building area, including land, which is above the appraised value and also significantly above the most similar comparable sale presented by both parties. The Board has given reduced weight to board of review sales #2 and #3 as these comparables were each significantly smaller than the subject building.

In conclusion, the Board finds the subject property was overvalued and a reduction in the subject's assessment commensurate with the appellant's total request is 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

K. L. Fan

Mark Albino

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.