



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

APPELLANT: David Stewart
DOCKET NO.: 13-02746.001-R-1
PARCEL NO.: 15-01-251-007

The parties of record before the Property Tax Appeal Board are David Stewart, the appellant, 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: \$930
IMPR: \$3,070
TOTAL: \$4,000

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) contesting 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 is improved with a one-story dwelling of frame construction with 984 square feet of living area. The dwelling is approximately 73 years old. Features of the property include an unfinished basement with 840 square feet and a 286 square foot garage. The property has a 5,450 square foot

site and is located in Rockford, Rockford 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 January 11, 2013 for a price of \$6,000. The appellant indicated the property was purchased from Clifford Kittel and the parties were not related. He also indicated the property was sold by the owner but the property was not advertised for sale. However, the appellant indicated that a Realtor was involved and the agent was identified as Heather Porter. The appellant further indicated that he has spent "\$5,000 and counting" on renovation and the property is not occupied. 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 \$13,019. The subject's assessment reflects a market value of \$39,273 or \$39.91 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 support of its contention of the correct assessment the board of review submitted evidence prepared by the township assessor. In its submission the board of review noted the subject was not exposed to the market. In support of the assessment the township assessor presented a grid analysis, which included copies of photographs, containing five comparable sales improved with one-story dwellings of aluminum/vinyl or brick exterior construction that ranged in size from 780 to 1,080 square feet of living area. The dwellings ranged in age from 58 to 73 years old. Each comparable had an unfinished basement, three comparables had central air conditioning and each comparable had a garage ranging in size from 273 to 384 square feet of building area. The comparables sold from March 2012 to August 2013 for prices ranging from \$30,500 to \$61,000 or from \$39.10 to \$65.17 per square foot of living area, including land.

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 evidence in the record supports a reduction to the subject's assessment.

The Board finds the appellant submitted evidence disclosing the subject property was purchased in January 2013 for a price of \$6,000. Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean 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 between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the 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 (1st Dist. 1983).

The appellant provided evidence disclosing the parties to the transaction were not related, however, the appellant indicated the property was sold by the owner and was not advertised for sale. The appellant did not explain in his submission how he learned the property was available for purchase nor did he provide any details with respect to the negotiations surrounding the transaction. The fact that the property was not advertised for sale casts some doubt on whether or not the transaction was indicative of fair cash value. The appellant did indicate that he has spent at least \$5,000 on renovation costs following the purchase, which indicates the subject dwelling may have had condition issues. The purchase price is significantly below the market value reflected by the subject's assessment.

The board of review provided five sales that had varying degrees of similarity to the subject property. These comparables sold for prices ranging from \$39.10 to \$65.17 per square foot of living area, including land. The subject's assessment reflects a market value of \$39.91 per square foot of living area, including land, which is within the range established by the

comparable sales in this record. However, the photographs in the record depict dwellings that were superior to the subject property in condition. Furthermore, these sales do not adequately explain why the subject's purchase price was so low relative to these properties.

Nevertheless, giving more weight to the subject's purchase price and some consideration to the comparable sales provided by the board of review, the Board finds a reduction to the subject's assessment is appropriate.

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.