



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

APPELLANT: Rock River Industrial LLC
DOCKET NO.: 13-02816.001-I-1
PARCEL NO.: 11-35-477-006

The parties of record before the Property Tax Appeal Board are Rock River Industrial LLC, the appellant, by attorney Ray A. Ferguson of Ray A. Ferguson & Associates, Ltd. 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:

LAND: \$13,500
IMPR.: \$3,167
TOTAL: \$16,667

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 is improved with a warehouse that contains 155,900 square feet of ground floor area and 9,000 square feet of second floor area. The building has 154,700 square feet of warehouse space and 1,200 square feet of office area. The building is of frame and brick construction. The property has a

site of 247,856 square feet 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 September 13, 2013 for a price of \$50,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was Ballard Properties II, LLC and the parties were not related. The appellant further indicated the property was sold through a Realtor (Hunter Realty) and had been advertised for 4 years in the local newspaper, the Multiple Listing Service (MLS), on a website and with signs on the building. The appellant also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration indicating that the property had been advertised for sale and the purchase price was \$50,000. Also submitted was a copy of the closing statement and a copy of the contract for purchase and sale documenting the transaction. 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 \$40,000. The subject's assessment reflects a market value of \$120,664 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 information on three comparable sales. The board of review also submitted a copy of a trustee's deed and a copy of a PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject parcel and another parcel in April 2013 for a price of \$110,000. The transfer declaration indicated the property was not advertised for sale.

Conclusion of Law

The appellant contends the fair cash value or market value of the subject property is not accurately reflected in its assessed valuation based on a recent sale of the subject property. 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). 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 2013 for a price of \$50,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The information provided by the appellant indicated that the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open and it had been on the market for four years. In further support of the transaction the appellant submitted a copy of the sales contract, settlement statement and the PTAX-203 Illinois Real Estate Transfer Declaration. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. The board of review submitted a copy of a trustee's deed and a copy of a PTAX-203 Illinois Real Estate Transfer Declaration associated with the prior sale of the subject parcel and another parcel in April 2013 for a price of \$110,000. This price also reflects a value below the market value reflected by the subject's assessment even including an additional parcel.

Based on this record the Board a reduction in the subject's assessment 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

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.