



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

APPELLANT: Shendet Ismajlaj
DOCKET NO.: 14-00232.001-R-1
PARCEL NO.: 11-14-277-012

The parties of record before the Property Tax Appeal Board are Shendet Ismajlaj, 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 in this matter, 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: \$2,619
IMPR.: \$8,381
TOTAL: \$11,000

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) challenging the assessment for the 2014 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 aluminum/vinyl exterior construction with 895 square feet of living area. The dwelling was constructed in 1924. Features of the property include a full unfinished basement and a detached garage with 216 square feet of building area.¹ The property has a 7,200 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 February 26, 2013 for a price of \$20,000. The appellant completed Section IV – Recent Sale Data of the appeal

¹ The appellant and the Multiple Listing Service (MLS) listings of the subject described the subject property as having an unfinished basement. The board of review described the subject dwelling as having 420 square feet of finished area. Based on this record the Board finds the subject dwelling does not have a finished basement.

disclosing the parties to the transaction were not related, the property was sold through a Realtor, the property was advertised for sale and listed in the Multiple Listing Service (MLS). In support of the sale the appellant submitted a copy of the MLS listing sheet disclosing the property was on the market for 16 days and submitted a copy of the closing statement associated with the sale. 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 \$13,333. The subject's assessment reflects a market value of \$40,003 or \$44.70 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Winnebago County of 33.33% as determined by the Illinois Department of Revenue.

In rebuttal the board of review provided a statement from the township assessor asserting the subject's sale was almost one year prior to the January 1, 2014 assessment date. The assessor also asserted the subject property was on the market for \$45,000.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales identified by the township assessor that were improved with one-story dwellings that ranged in size from 888 to 1,050 square feet of living area. The dwellings were 74 and 84 years old. Each comparable had a full basement with one being finished, two comparables had central air conditioning, one comparable had a fireplace and each comparable had a garage ranging in size from 216 to 720 square feet of building area. The sales occurred from March 2012 to April 2014 for prices ranging from \$35,000 to \$50,000 or from \$35.36 to \$47.62 per square foot of living area, including land. Based on this evidence the board of review requested the assessment be sustained.

In rebuttal the appellant asserted the subject property was listed well after the assessment date in June 2014 and is currently listed for \$40,000. The appellant submitted a copy of the MLS listing sheet for the subject property reporting a price of \$40,000 and indicating the property has been on the market for 319 days. The appellant also submitted a table containing a list of MLS sales of dwellings with physical similarities to the subject property to demonstrate the assessor used sales only from the upper tier of the value range. The appellant also submitted copies of the MLS listing sheets for the board of review comparable sales. The MLS listing for board of review sale #1 indicated this property had a newer HVAC and roof. The MLS listing for board of review sale #2 disclosed the property had a two-car garage and a new chimney. The MLS listing for board of review sale #3 disclosed this property was all brick, had a remodeled bathroom and a new roof in November 2011. The MLS listing for board of review sale #4 described the home as having a new roof in 2012, newer mechanicals, an updated kitchen, a lower level recreation room and an updated full bath in the lower level. The appellant contends these sales were superior to the subject property.

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 appellant presented evidence that the subject property was purchased on February 26, 2013 for a price of \$20,000. 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 the property had been on the market for 16 days. In further support of the transaction the appellant submitted a copy of the settlement statement and the MLS listing sheet of the subject property. The Board finds the purchase price is below the market value reflected by the subject's assessment. The Board finds that some weight should be given the subject's February 2013 purchase price.

The board of review provided information on four comparable sales, however, comparable sale #2 sold in March 2012, not proximate in time to the assessment date at issue, and is given little weight. The three remaining comparables sold from January 2014 to April 2014 for prices ranging from \$35,000 to \$50,000 or from \$35.36 to \$47.62 per square foot of living area, including land. However, each comparable was newer than the subject property and appeared to be superior to the subject dwelling based on their descriptions and the MLS listings. Therefore, the Board finds the subject's assessment should reflect a value at below that established by the board of review comparables.

Finally, the record disclosed the subject property was listed for sale in June 2014 and was currently on the market for a price of \$40,000. The MLS listing indicated the property had been on the market for 319 days but had not sold. The Board finds the subject's listing price sets the upper limit of value.

Based on this record the Board finds, after considering the subject's purchase, the sales provided by the board of review and the subject's June 2014 listing, 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



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

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:

August 19, 2016



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.