



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

APPELLANT: Robert J. & Susan J. Sanderson
DOCKET NO.: 14-00933.001-R-1
PARCEL NO.: 08-07-201-020

The parties of record before the Property Tax Appeal Board are Robert J. and Susan J. Sanderson, the appellants; 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: \$5,000
IMPR.: \$0
TOTAL: \$5,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 consists of a vacant lot with approximately .30 acres or 13,068 square feet of land area. The property is located in Roscoe, Roscoe Township, Winnebago County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on January 28, 2014 for a price of \$15,000. The appellants completed Section IV – Recent Sale Data of the appeal disclosing the parties to the transaction were not related. The appellants indicated the property had been advertised for sale for approximately 4 years and been marketed using door-to-door solicitation. The appellants described the subject site as being on a hillside with the steepest slope in the subdivision and asserted the subject has limestone exposure. They contend the lot is generally viewed as too expensive for further development. The appellants explained that the previous owner canvassed a wider area of the neighborhood (walking door-to-door) and could not find anyone else interested in purchasing the property. The appellants stated that they

researched the real estate market and requested advice from a real estate professional prior to agreeing to pay \$15,000 for the lot. To document the sale the appellants submitted a copy of the PTAX-203 Real Estate Transfer Declaration. The transfer declaration identified the seller as John Zajicek and further indicated that John Zajicek completed the form. Question 7 of the declaration was answered "No" to the question "Was the Property Advertised for Sale?"

In further support of the overvaluation argument the appellants submitted information on four comparable sales located from 4 to 8 miles from the subject property. The comparables ranged in size from 13,068 to 40,075 square feet of land area. These properties sold from June 2013 to August 2014 for prices ranging from \$15,000 to \$40,000 or from approximately \$.76 to \$1.15 per square foot of land area.

Based on this evidence, the appellants 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 \$10,301. The subject's assessment reflects a market value of \$30,907 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 support of its contention of the correct assessment the board of review submitted information on two sales identified by the assessor. The sales were described as having 13,958 and 12,632 square feet of land area. The properties sold in February 2014 and December 2014 for prices of \$25,000 and \$29,000 or \$1.79 and \$2.30 per square foot of land area, respectively.

In rebuttal the board of review provided a statement from the township assessor asserting that appellant's sale #1 was a financial sale, special warranty deed, bank owned; the assessor could not find appellant's comparable sale #2 recorded in Winnebago County; and described comparable sales #3 and #4 as being inferior to the subject property.

The assessor also stated the site value method was used to value the lots in the subject's subdivision. The assessor also provided a list of the equity comparables of lots located in the subject's subdivision each having a land assessment of \$10,301. The assessor also provided a copy of the special warranty deed associated with the sale of the subject property and a copy of page 1 of the PTAX-203 Real Estate Transfer Declaration associated with the subject's sale indicating the property was not advertised for sale.

The board of review requested confirmation of the subject's assessment.

The appellants filed rebuttal comments concerning the board of review submission. The appellants also submitted an affidavit from John Zajicek, the grantor, stating the subject property was marketed internally through the internet, signage on the property and direct mail. Zajicek asserted when the property was not selling he knocked on all adjacent property doors. Zajicek also stated he erred in completing the Illinois Real Estate Transfer Declaration form, box 7, in that it was marked no but should have been marked yes.

Conclusion of Law

The appellants contend 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 appellants 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 January 2014 for a price of \$15,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property had been advertised for sale and it had been on the market for approximately 4 years. To buttress the sale the appellants submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration, which indicated the property had not been advertised. However, the appellants in rebuttal provided an affidavit from John Zajicek, the grantor, stating the subject property was marketed internally through the internet, signage on the property and direct mail. Zajicek also stated that when the property was not selling he knocked on all adjacent property doors. Zajicek further explained he erred in completing the Illinois Real Estate Transfer Declaration form, box 7, in that it was marked "no" but should have been marked "yes." The Board finds the subject sale had the elements of an arm's length transaction. The Board finds the purchase price is below the market value reflected by the subject's assessment. The Board further finds the sales provided by the appellants are supportive of the conclusion the purchase price was reflective of fair cash value. Although the board of review submission included two sales to support the assessment, this evidence does not refute the fact the subject property sold in a transaction involving unrelated parties. The Board gives no weight to the equity comparables provided by the board of review as this evidence was not responsive to the appellants' overvaluation argument. Based on this record the Board finds a reduction in the subject's assessment is not 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.