



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

APPELLANT: Shun Anthony (Richard Smulski)
DOCKET NO.: 14-01719.001-C-1
PARCEL NO.: 11-35-229-013

The parties of record before the Property Tax Appeal Board are Shun Anthony (Richard Smulski), 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: \$2,766
IMPR.: \$5,734
TOTAL: \$8,500

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 consists of a two-story multi-family building of frame construction with 1,848 square feet of living area. The building is approximately 114 years old. Features of the property include two apartments, an unfinished basement and a garage with 720 square feet of building area. The property has a 10,915 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 information on eight comparable sales improved with two-story multi-family buildings that ranged in size from 1,560 to 2,090 square feet of living area. The buildings were constructed from 1900 to 1925. Each comparable has two apartments. The appellant provided copies of the Multiple Listing Service (MLS) listing sheets for the comparables which indicated that sales #1, #3, #4, #6 and #8 were either bank owned or HUD sales. The MLS listing sheet

with respect to sale #2 stated that certain parts of the house need some work and repairs. The MLS listing sheet for sale #6 indicated that plumbing repairs were needed. The sales occurred from May 2013 to April 2014 for prices ranging from \$9,009 to \$28,500 or from \$5.06 to \$16.45 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$7,667 to reflect a market value of \$23,000 or \$12.45 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,681. The subject's assessment reflects a market value of \$32,046 or \$17.34 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 support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two-story multi-family buildings that ranged in size from 1,730 to 1,830 square feet of living area. Each building was 114 years old. Each comparable had an unfinished basement and three comparables had garages ranging in size from 400 to 900 square feet of building area. The sales occurred from July 2012 to November 2013 for prices ranging from \$28,500 to \$40,000 or from \$16.45 to \$22.10 per square feet of living area. Board of review sale #2 was the same property as appellant's sale #5.

In rebuttal the assessor provided a statement asserting that appellant's sales #1, #2, #3, #4, #6 and #8 were foreclosures. The assessor also noted the subject property has a 720 square foot garage while appellant's sales #1, #3 and #7 have no garages.

In rebuttal the appellant provided a list of sales of properties similar to the subject's age, size, style, location and class that occurred between January 1, 2012 and July 31, 2014. The sales used by the township assessor were identified as being near the top of the list. The appellant asserted that during 2013 in the subject's neighborhood 64.5% of the sales of two and three unit properties were sold as either REO or as a short sale. The appellant contends that due to the assessor's use of the selection criteria of the sales ratio study to identify sales most of the market is ignored.

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 record disclosed that appellant's comparable sales #1, #2, #3, #4, #6 and #8 may have been foreclosures, bank owned or HUD sales. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the

sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The Board finds the best evidence of market value to be the appellant's comparable and board of review sale #2, which was also used by the appellant as comparable #5. These comparables offered varying degrees of similarity to the subject property and sold during 2013 and 2014. These properties sold for prices ranging from \$9,009 to \$28,500 or from \$5.06 to \$16.45 per square foot of living area, including land. The subject's assessment reflects a market value of \$32,046 or \$17.34 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Less weight was given board of review sales #1, #3 and #4 as these properties sold in July and August 2012, not as proximate in time to the assessment date at issue as the best sales found herein. Based on this evidence the Board finds 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: September 23, 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.