



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

APPELLANT: Kevin Sheller
DOCKET NO.: 14-01722.001-C-1
PARCEL NO.: 11-25-206-009

The parties of record before the Property Tax Appeal Board are Kevin Sheller, 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: \$2,437
IMPR.: \$6,230
TOTAL: \$8,667

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 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 two dwellings on one parcel with a total living area of 2,371 square feet and consisting of three units. Dwelling #1 is a two-story multi-family dwelling of frame construction with 1,680 square feet of living area with a basement; this dwelling was built in 1915. Dwelling #2 is a one-story frame dwelling with 691 square feet of living area and a basement; this dwelling was built in 1920. The property has a 6,091 square foot site and is located in Rockford, Rockford Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a brief along with a chart with limited information on five comparable sales located within .92 of a mile of the subject property, four of which were in a nearby neighborhood as defined by the assessor. The appellant contends that both neighborhoods consist of 2 or 3-unit dwellings and an "Old Style" is a former single family dwelling converted into a two or three

unit apartment building. The comparables consist of two-story "Old Style" dwellings that were built in 1900 or 1912. The homes range in size from 1,992 to 2,780 square feet of living area. No other descriptive details or amenities were reported in the grid analysis. The properties sold between June 2013 and June 2014 for prices ranging from \$17,500 to \$50,000 or from \$7.52 to \$19.72 per square foot of living area, including land.

In the brief, the appellant described the subject as a two-story duplex in front and a small one-story single family dwelling at the rear; there were no sales of similar properties with this layout in the subject's market area.

Based on this evidence, the appellant requested a total assessment of \$8,667 which would reflect a market value of \$26,004 or \$10.97 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$17,729. The subject's assessment reflects a market value of \$53,192 or \$22.43 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 response to the appeal, the board of review submitted data gathered by the township assessor. As to the appellant's comparables #1, #2, #4 and #5, the township assessor asserted the properties should not be considered because they are located in an inferior neighborhood with a median sale price that is \$34,500 less than the median sale price in the subject's neighborhood. Additionally, appellant's comparable #1 through #4 are foreclosure sales and #5 was a "contract sale" with a property that is located on a busy street.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales located in the subject's neighborhood and within .76 of a mile of the subject. The four comparables consist of two-story frame or stucco dwellings that were 84 to 114 years old and range in size from 1,920 to 2,184 square feet of living area. Each home has a full or partial unfinished basement. One comparable has central air conditioning and each has a garage ranging in size from 260 to 540 square feet of building area. The properties sold between February 2012 and July 2013 for prices ranging from \$51,900 to \$73,000 or from \$25.35 to \$33.42 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant argued that in the subject neighborhood 81.8% of all sales of two-unit and three-unit properties in 2013 were REO or short sales; there were similar numbers for 2014. Since the assessor has relied upon selection criteria related to the sales ratio study, most of the sale market area is ignored and results in an artificially high value according to the appellant's counsel. In Exhibit R1, counsel for the appellant set forth the sales of similar properties, including those presented by the board of review, which reveals that in rank order, the assessor's sales are above most of the area sales and are above the subject's estimated market value as reflected by its assessment. Counsel also reported that no Multiple Listing Service data could be found for board of review sale #2 which indicates the circumstances of the sale are unknown.

In Exhibit R2, the appellant set forth sales in the subject's neighborhood ranked by "Old Style" and "other." Based on the data, counsel contended there was a 42.2% premium per square foot for "other" type dwellings and applying a conservative factor of 30% to board of review sales #2 and #4 that are "other" style dwellings results in adjusted sale prices of \$18.96 and \$21.88 per square foot of living area, respectively.

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 parties submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #1, #2 and #3 as these properties sold in February, September and December 2012, respectively, which dates are more remote in time to the valuation date at issue of January 1, 2014 and less likely to be indicative of the subject's estimated market value as of the assessment date.

As to the contention that appellant's comparable sales #1, #2, #4 and #5 were foreclosure sales, the Board takes judicial notice of 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:

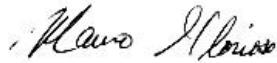
Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider the appellant's "REO" properties.

The Board finds the best evidence of market value to be the appellant's comparable sales along with board of review comparable sale #4. These most similar comparables sold between June 2013 and June 2014 for prices ranging from \$17,500 to \$69,000 or from \$7.52 to \$31.25 per

square foot of living area, including land. The subject's assessment reflects a market value of \$53,192 or \$22.43 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but appears excessive when giving due consideration to all six comparables. Only board of review comparable #4 is substantially above the remaining best comparables in the record. Based on this evidence the Board finds a reduction in the subject's assessment is warranted commensurate with the appellant's request.

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.