



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

APPELLANT: Frank Mooney
DOCKET NO.: 14-02104.001-R-1
PARCEL NO.: 08-29-228-019

The parties of record before the Property Tax Appeal Board are Frank Mooney, the appellant, and the Winnebago County Board of Review.

Based on the facts and exhibits presented in this record, 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: \$6,242
IMPR.: \$37,308
TOTAL: \$43,550

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 split-level style single family dwelling of frame construction with 2,074 square feet of living area. The dwelling was constructed in 1989. Features of the home include a basement, a fireplace and a two-car attached garage with 569 square feet of building area. The property is located in Machesney Park, Harlem Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales improved with split-level style dwellings of frame or vinyl exterior construction that ranged in size from 1,864 to 2,317 square feet of living area. The dwellings were constructed from 1986 to 1992. The comparables had

similar features as the subject dwelling with the exception each had central air conditioning. These properties were located from .15 to 1.72 miles from the subject property. The comparables sold from June 2013 to February 2014 for prices ranging from \$60,000 to \$107,250 or from \$29.48 to \$55.79 per square foot of living area, including land. The appellant's submission included adjustments to the sales described as "Property Equalizations" to arrive at equalized sale prices ranging from \$63,200 to \$103,898. The appellant requested the subject's assessment be reduced to reflect a market value of \$82,280.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$48,671. The subject's assessment reflects a market value of \$146,028 or \$70.41 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 six comparable sales identified by the township assessor as improved with split-level style dwellings of vinyl siding or frame exterior construction that ranged in size from 1,680 to 2,171 square feet of living area. The dwellings were constructed from 1984 to 2001. The comparables had similar features as the subject property with the exception each had central air conditioning. These properties sold from May 2012 to April 2014 for prices ranging from \$121,000 to \$175,000 or from \$70.30 to \$80.61 per square foot of living area, including land.

In rebuttal the assessor provided a grid analysis of the appellant's comparables disclosing that comparable #1 sold again in January 2014 for a price of \$129,000 or \$63.39 per square foot of living area, including land. The assessor also asserted that appellant's comparables #2 through #5 were "bad sales", with each described as "governmental" and sales #3 and #5 each being identified as a "Bank (REO)."

In rebuttal the appellant submitted a grid analysis disclosing five of the board or review sales were located from 2.24 to 4.87 miles from the subject property. The appellant also acknowledged that some of the appellant's comparables may be foreclosures but asserted that sections 16-55(b) and 16-183 of the Property Tax Code (35 ILCS 200/16-55(b) & 16-183) provide that the board of review and Property Tax Appeal Board are to 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 if the properties have the same characteristics and condition as when the assessed values were established.

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 record contains eleven sales presented by the parties that had varying degrees of similarity to the subject property. The Board gives most weight to appellant's comparable sales and board of review sale #6 as these comparables were most similar to the subject in location and sold most proximate in time to the assessment date at issue. The Board finds, however, that the appellant's comparables appear to be the result of foreclosures. Additionally, it was disclosed that appellant's comparable sale #1 sold in August 2013 for a price of \$60,000 and sold again in January 2014 for a price of \$129,000 in what the assessor described as a "good sale." In summary the best sales had prices ranging from \$60,000 to \$144,900 or from \$29.48 to \$70.34 per square foot of living area, including land. Each of these comparables was superior to the subject as each had central air conditioning. The subject's assessment reflects a market value of \$146,028 or \$70.41 per square foot of living area, including land, which is slightly above the range established by the best comparable sales in this record on a square foot basis. Less weight was given comparable sales #1 through #5 provided by the board of review as these sales were located 2.24 to 4.87 miles from the subject property. Additionally, board of review sales #4 and #5 sold in September 2012 and May 2012, not proximate in time to the assessment date at issue. Considering the best sales in this record and the fact the subject dwelling does not have central air conditioning, 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

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: May 20, 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.