



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

APPELLANT: David Bowman
DOCKET NO.: 14-02455.001-R-1
PARCEL NO.: 15-01-259-007

The parties of record before the Property Tax Appeal Board are David Bowman, the appellant, 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: \$1,923
IMPR.: \$11,410
TOTAL: \$13,333

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 one-story dwelling of frame construction with 1,120 square feet of living area. The dwelling was constructed in 2001. Features of the home include a full basement with finished area, central air conditioning and an attached two-car garage. The property has a 7,320 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 completed Section IV – Recent Sale Data concerning the July 2014 purchase price of the subject property and also submitted information on three comparable sales. As to the sale of the subject, the appellant reported the property was purchased from a "bank" through a judicial auction after having been advertised by "legal notices as required" in the local paper after foreclosure. The property was purchased for \$29,071 and the appellant expended \$10,000 for renovations before occupying the property as of November 1, 2014. No further details or

documentation of the sale transaction were provided such as the length of "advertising" via legal notices.

The comparable sale properties are located within two blocks of the subject and consist of one-story frame dwellings that were 15 or 22 years old. The comparable dwellings range in size from 1,008 to 1,230 square feet of living area and feature full basements, one of which has finished area. Two of the comparables have central air conditioning and each comparable has a 360 or 400 square foot garage. The comparables sold between January 2013 and October 2013 for prices ranging from \$23,000 to \$42,000 or from \$22.82 to \$35.36 per square foot of living area, including land.

The appellant's submission included a "Real Property Assessment Analysis" prepared by David Dale Johnson of Berkshire Hathaway HomeServices Crosby Starck Real Estate. As part of that submission, Johnson reported that of 64 home sales in the subject's immediate neighborhood, 50% were lender owned properties with a median sale price of \$27,250. Based upon his analysis, Johnson opined a fair cash value of the subject of \$40,000.

In light of the foregoing evidence, the appellant requested a total assessment of \$13,333 which would reflect an estimated market value of \$40,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,871. The subject's assessment reflects a market value of \$74,620 or \$66.63 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 reported that the subject property was purchased in September 2014 for \$28,041 via judicial auction and contended that the property was "not on MLS [Multiple Listing Service]." Additionally, the board of review contended that the estimated of the subject's value was \$40,000 based on comparable sales that were compulsory sales whereas the subject is a newer home built in 2001.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales located from .4 of a mile to 1.5 miles from the subject property. The comparables consist of a bi-level and four one-story dwellings of frame exterior construction. The comparables were 41 to 55 years old and range in size from 936 to 1,152 square feet of living area. Each comparable has a full basement, one of which has finished area. Four of the homes have central air conditioning and one comparable has a fireplace. Four of the comparables have garages ranging in size from 264 to 576 square feet of building area. The comparables sold from November 2011 to July 2014 for prices ranging from \$60,000 to \$76,200 or from \$64.10 to \$74.79 per square foot of living area, including land.

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

In written rebuttal, the appellant submitted a two-page letter prepared by David Dale Johnson with comments. Johnson opined that the raw unadjusted sales comparables presented by the

board of review did not present a market approach to valuation of the subject property. Moreover, Johnson noted that the comparables presented did not maintain similarity in dwelling size, physical location, age and/or presenting only the most recent comparable sales. Two of the sales occurred after the valuation date at issue of January 1, 2014 and two of the sales occurred significantly more than 12 months prior to the valuation date.

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 Property Tax Appeal Board has given little weight to the sale price of the subject property as the appellant failed to provide sufficient details of the transaction to ascertain whether the property was exposed on the open market for a reasonable period of time to be reflective of a market value transaction.

The parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The appellant's comparables are both physically closer in location to the subject property and more similar in age to the subject than the comparables presented by the board of review. Additionally, two of the sales presented by the board of review were remote in time from the valuation date at issue of January 1, 2014 and have been given little weight for this reason and board of review comparable #5 differs in design from the subject one-story dwelling resulting in little weight being given to this property.

The Board finds the best evidence of market value to be the appellant's comparable sales which are most similar to the subject in age, location, size and/or features. These comparables sold between January 2013 and October 2013 for prices ranging from \$23,000 to \$42,000 or from \$22.82 to \$35.36 per square foot of living area, including land. The subject's assessment reflects a market value of \$74,620 or \$66.63 per square foot of living area, including land, which is substantially above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment commensurate with the appellant's request 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: December 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.