



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

APPELLANT: Bowman and Jensen Properties, LLC
DOCKET NO.: 14-02458.001-R-1
PARCEL NO.: 11-13-152-012

The parties of record before the Property Tax Appeal Board are Bowman and Jensen Properties, LLC, the appellant, by attorney Donald Shriver, of Shriver, O'Neill & Thompson, 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: \$2,609
IMPR.: \$5,724
TOTAL: \$8,333

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 1.5-story dwelling of frame exterior construction¹ with 1,140 square feet of living area. The dwelling was constructed in 1930. Features of the home include a full unfinished basement, central air conditioning and a detached one-car garage. The property has an approximately 5,613 square foot site and is located in Rockford, Rockford Township, Winnebago County.

¹ The appellant reported the dwelling was of a 1.5-story design whereas the assessing officials reported the home was a one-story "bungalow." The assessing officials failed to provide a copy of the subject's property record card to support the assertion of the subject's design and thus, based on the appellant's contention and the photographic evidence in the record, the Property Tax Appeal Board has accepted the 1.5-story design as most descriptive of the dwelling.

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 October 2014 purchase price of the subject property and also submitted information on four comparable sales. As to the sale of the subject, the appellant reported the property was purchased from a "bank" through a judicial sale after having been advertised for "several weeks in advance" in the local paper after foreclosure. The property was purchased for \$8,423. No further details or documentation of the sale transaction were provided.

The comparable sale properties are located within three blocks of the subject and consist of 1.5-story frame dwellings that were 69 to 85 years old. The comparable dwellings range in size from 924 to 1,379 square feet of living area and feature unfinished basements. Three of the comparables have central air conditioning, one has a fireplace and three comparables have garages ranging in size from 180 to 216 square feet of building area. The comparables sold between July 2013 and January 2014 for prices ranging from \$19,500 to \$65,000 or from \$19.62 to \$57.62 per square foot of living area, including land. As to comparable #4, it was noted that property was purchased as an REO in April 2013 for \$22,500 and rehabilitated for resale in December 2013 for \$65,000.

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 17 home sales in the subject's immediate neighborhood, 11 of the sale were "documented REO sales." Based upon his analysis, Johnson opined a fair cash value of the subject of \$25,000.

In light of the foregoing evidence, the appellant requested a total assessment of \$8,333 which would reflect an estimated market value of \$25,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,072. The subject's assessment reflects a market value of \$57,222 or \$50.19 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 October 2014 as a "judicial/compulsory sale." In support of its contention of the correct assessment, the board of review submitted information on five comparable sales located from .16 to .39 of a mile from the subject property. The comparables consist of a 1.5-story and four one-story dwellings of frame, brick or asbestos exterior construction. The comparables were 79 to 104 years old and range in size from 906 to 1,431 square feet of living area. Each comparable has an unfinished basement. Three of the homes have central air conditioning and two of the comparables each have a fireplace. Each of the comparables has a garage ranging in size from 228 to 440 square feet of building area. The comparables sold from February 2012 to July 2014 for prices ranging from \$56,950 to \$67,500 or from \$44.03 to \$62.86 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 letter arguing that the subject property has been overvalued by the assessing officials given the purchase of the property at judicial sale for \$8,423 and the subsequent re-sale of the property to a related party for \$20,000. Additionally, 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 condition to the subject which was purchased in "as is" condition whereas the comparables presented by the board of review have been significantly repaired prior to sale as set forth in the applicable multiple listing sheets.

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 nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the board of review's comparable sales which, as presented in rebuttal, were rehabilitated and renovated prior to the sale transactions that were presented in evidence. This is in contrast to the condition of the subject property as reported by the appellant. Given the subject's reported condition, the appellant's comparable #4 has also been given reduced weight as this property was also rehabilitated prior to its sale in December 2013.

The Board finds the best evidence of market value to be the appellant's comparable sales #1 through #3 which are similar to the subject in age, location, design, size and/or features. These comparables sold between July 2013 and January 2014 for prices ranging from \$19,500 to \$28,650 or from \$19.62 to \$21.10 per square foot of living area, including land. The subject's assessment reflects a market value of \$57,222 or \$50.19 per square foot of living area, including land, which is 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.