



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

APPELLANT: Joseph Marino  
DOCKET NO.: 14-02659.001-R-1  
PARCEL NO.: 12-31-376-040

The parties of record before the Property Tax Appeal Board are Joseph Marino, the appellant, by attorney Katherine Amari O'Dell of Amari & Locallo in Chicago; and the Winnebago County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **no change** 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:** \$14,802  
**IMPR.:** \$96,142  
**TOTAL:** \$110,944

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 is improved with a two-story apartment building of frame construction with 7,102 square feet of building area. The building was constructed in 1994. The property has 14 apartments, a 37,489-square foot site and is located in Rockford, Rockford Township, Winnebago County.

The appellant contends both overvaluation and assessment inequity as the bases of the appeal. In support of these arguments the appellant submitted information on three comparables improved with two-story apartment buildings of brick and stone or brick and concrete block construction that range in size from 9,290 to 12,180 square feet of building area. The buildings range in age from 49 to 54 years old. These properties have from 11 to 16 units and sites that range in size from 10,692 to 12,924 square feet of land area. The comparables were described as being located from 1.2 miles to 5 miles from the subject property. These properties sold from April

2012 to July 2013 for prices ranging from \$115,100 to \$264,000 or from \$12.39 to \$21.67 per square foot of building area or from \$10,464 to \$17,500 per unit, including land. The comparables also have improvement assessments ranging from \$32,260 to \$82,496 or from \$3.47 to \$6.77 per square foot of building area. Using a value of \$17.39 per square foot of building area the appellant requested the subject's assessment be reduced to \$41,097; using a value of \$14,821 per apartment the appellant requested the subject's assessment be reduced to \$64,224; and using an improvement assessment of \$5.36 per square foot of building area the appellant requested the subject's assessment be reduced to \$52,869.

The appellant further argued the subject property was 30% vacant for the entire 2014 tax year and contends that an occupancy factor of 70% be applied to the subject's improvement assessment to reduce the improvement assessment to \$67,299 and a revised total assessment of \$82,101.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$110,944. The subject's assessment reflects a market value of \$332,865 or \$46.87 per square foot of building area and \$23,776 per apartment 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. The subject property has an improvement assessment of \$96,142 or \$13.54 per square foot of building area.

In support of its contention of the correct assessment the board of review submitted information on four equity comparables identified by the township assessor. The comparables were improved with apartment buildings that range in size from 6,834 to 7,648 square feet of building area and have 12 or 16 apartments. The comparables were constructed from 1970 to 1995 and three were located along the same street and within the same block as the subject property. The assessor converted the subject's and comparables' assessments to market value in the analysis. The comparables had improvement assessments reflecting market values ranging from \$170,049 to \$291,938 or from \$24.88 to \$39.20 per square foot of building area or from \$14,171 to \$18,246 per apartment. The assessor indicated the subject's improvement assessment reflects a market value of \$288,427 or \$40.61 per square foot of building area and \$20,602 per apartment. The analysis also indicated the comparables had improvement assessments ranging from \$8.29 to \$13.07 per square foot of building area.

With respect to the market value argument, the board of review provided four comparable sales identified by the township assessor that were improved with apartment buildings that ranged in size from 4,554 to 20,180 square feet of building area and had from 8 to 22 units. The buildings were constructed from 1968 to 1987. The sales occurred from May 2013 to March 2014 for prices ranging from \$180,000 to \$576,580 or from \$25.93 to \$60.17 per square foot of building area or from \$22,500 to \$48,048 per apartment.

The assessor also developed an income approach to value arriving at an estimated market value of \$390,630.

The assessor indicated in his analysis that due to equity considerations the subject's assessment should be reduced to \$108,333.

The board of review submission also included information about the appellant's comparable sales. The Multiple Listing Service (MLS) listing sheet for appellant's comparable #1 described the property as being bank owned and in need of major rehabilitation. The board of review also submitted a copy of a mortgage on this property dated December 20, 2013, after the purchase date, in the amount of \$232,500. The MLS listing sheet associated with appellant's comparable #2 described the transaction as a "short sale" that sold for \$210,000 in April 2012. The board of review provided a copy of a warranty deed disclosing appellant's comparable #2 subsequently sold in December 2014 for a price of \$325,000, which equates to \$27,083 per unit or \$27.88 per square foot of building area. The assessor indicated this sale occurred after the property had been remodeled.

### **Conclusion of Law**

The taxpayer contends in part assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The Board finds the best evidence of assessment equity to be the comparables provided by the board of review. The equity comparables provided by the board of review were more similar to the subject property in location, age and size than those provided by the appellant. The evidence provided by the board of review disclosed its comparables had improvement assessments reflecting market values ranging from \$170,049 to \$291,938 or from \$24.88 to \$39.20 per square foot of building area or from \$14,171 to \$18,246 per apartment. The assessor indicated the subject's improvement assessment reflects a market value of \$288,427 or \$40.61 per square foot of building area and \$20,602 per apartment, which is slightly above the range established by the best comparables. The board of review analysis also indicated the comparables had improvement assessments ranging from \$8.29 to \$13.07 per square foot of building area while the subject has an improvement assessment of \$13.54 per square foot of building area, which is slightly above the range established by the best comparables. The Board finds the subject's slightly higher assessment on a square foot basis and on a per apartment basis is justified when considering the subject's building smaller size with reference to the comparables. The subject's improvement assessment falls within the range established by the best comparables in this record on a square foot basis and a per apartment unit basis. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's improvement assessment is not justified.

Alternatively, the appellant contends overvaluation as a basis of the appeal. 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

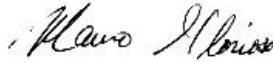
§1910.65(c)). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The Board gave less weight to appellant's comparable #1 as the data provided by the board of review disclosed this property needed major rehabilitation and was bank owned at the time of sale. The Board also gave less weight to appellant's comparable sales #2 and #3 as these properties sold in April and May of 2012, not as proximate in time to the assessment date as were the sales used by the board of review. The comparables sales provided by the board of review had varying degrees of similarity to the subject property and each was older than the subject apartment building. These properties sold in 2013 and 2014 for prices ranging from \$180,000 to \$576,580 or from \$25.93 to \$60.17 per square foot of building area or from \$22,500 to \$48,048 per apartment, including land. The subject's assessment reflects a market value of \$332,865 or \$46.87 per square foot of building area and \$23,776 per apartment, including land, which is supported by the sales submitted by the board of review. Based on this record the Board finds the appellant did not establish that the subject property was overvalued.

The Board gives no weight to the appellant's vacancy argument as the market data presented by the board of review demonstrated the subject property is not overvalued. Additionally, vacancy issues are typically considered when developing an income approach to value. The vacancy rate used to adjust potential gross income in the income approach to value is to be market derived, that is based on market research, and will not necessarily reflect a property's actual rental history.

For these reasons the Board finds a reduction in the subject's assessment is not 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



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: October 16, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

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