



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

APPELLANT: Greg Stubbe & Amanda Fehr
DOCKET NO.: 15-00032.001-R-1
PARCEL NO.: 04-29-176-014

The parties of record before the Property Tax Appeal Board are Greg Stubbe & Amanda Fehr, the appellants,¹ 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: \$8,985
IMPR.: \$44,928
TOTAL: \$53,913

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2015 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 1,720 square feet of living area. The dwelling was constructed in 1978. Features of the home include a full basement with 720 square feet of finished area, central air conditioning, a fireplace, an attached 696 square foot garage and a second 800 square foot frame garage.² The property has a 38,503 square foot site and is located in Roscoe, Roscoe Township, Winnebago County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants through former legal counsel submitted information on five comparable sales located from .06 to .59 of a mile from the subject. The comparables are improved with one-story frame dwellings that range in size from 1,404 to 1,675 square feet of living area. The dwellings were constructed between 1977 and 1979. Each comparable has a full basement, central air

¹ Attorney Jerri K. Bush withdrew her appearance as counsel of record by a filing dated March 14, 2016.

² The appellant's evidence did not acknowledge the existence of this second 800 square foot garage.

conditioning and a garage ranging in size from 440 to 852 square feet of building area. Four of the comparables have a fireplace. The comparables sold between December 2013 to November 2014 for prices ranging from \$77,880 to \$110,000 or from \$49.25 to \$78.35 per square foot of living area, including land. The appellants' analysis included "Property Equalization Values" which reflect adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$87,305 to \$128,176.

Based on this evidence the appellants requested the subject's total assessment be reduced to \$34,539 which would reflect a market value of \$103,627 or \$60.25 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 \$53,913. The subject's assessment reflects a market value of \$161,755 or \$94.04 per square foot of living area, land included, when using the 2015 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 appellants' evidence, the board of review submitted a memorandum with supporting documentation contending that three of the appellants' comparables sales were foreclosures and appellants' comparable #5 was not exposed on the market. The township assessor also asserted that an addition was built to the subject dwelling 1994.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales where comparables #5 and #6 were the same properties as appellants' comparables #2 and #3, respectively. The comparables are improved with a "one-story & split" and five, one-story frame dwellings that range in size from 1,336 to 1,532 square feet of living area. The dwellings were constructed between 1975 and 1979. Each comparable has a full or partial basement, five of which have finished areas. Each home has central air conditioning and a garage ranging in size from 576 to 700 square feet of building area. Four of the comparables have one or two fireplaces. The comparables sold between June 2014 and February 2016 for prices ranging from \$87,869 to \$137,000 or from \$60.43 to \$93.01 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 rebuttal the appellants acknowledged that some of the appellants' comparables were compulsory sales but noted in part that section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides that the Property Tax Appeal Board is to consider compulsory sales of comparable properties for the purpose of revising and correcting assessments. The appellants also asserted that board of review sales #2, #3 and #4 were smaller dwellings when compared to the subject; additionally, comparable #3 sold in 2016, a date more remote in time to the valuation date of January 1, 2015. Furthermore, comparable #4 differs in design when compared to the subject one-story dwelling.

The appellants further indicated that appellants' comparables #1 through #4 and board of review sale #1 were the "best" comparable sales where board of review sales #5 and #6 were presented

by the appellants. The appellants further argued that a reduction in the subject's assessment is warranted and asserted that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Appellants further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains information on nine sales provided by the parties with two properties common to both parties. The evidence in the record disclosed that several of the appellants' sales were foreclosures. 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.

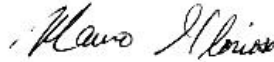
Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The Board has given reduced weight to appellants' comparable #4 and board of review comparable #3 as the dates of sale were each too remote in time to the valuation date at issue of January 1, 2015 to be valid indicators of the subject's estimated market value. The Board has also given reduced weight to appellants' comparable #5 and board of review comparables #2 and #4 due to differences in dwelling size when compared to the subject dwelling and the fact that appellant's sale #5 was not exposed on the open market.

The Board finds the best evidence of market value to be appellants' comparable sales #1, #2 and #3 along with board of review comparable sale #1. These four most similar comparables sold between June 2014 and July 2015 for prices ranging from \$77,880 to \$137,000 or from \$50.77 to

\$89.43 per square foot of living area, including land. The subject's assessment reflects a market value of \$161,755 or \$94.04 per square foot of living area, including land, which is above the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. While the subject dwelling is larger than each of these best comparable dwellings in the record, the Board further takes notice that the subject property has an additional second garage of 800 square feet of building area that is not a feature of any of the comparable properties as reported by the parties. After considering adjustments to the comparables for these differences, the Property Tax Appeal 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(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



Acting 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 20, 2017



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

AGENCY

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