



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

APPELLANT: Abelardo & Elda Espinoza
DOCKET NO.: 15-00033.001-R-1
PARCEL NO.: 08-32-253-019

The parties of record before the Property Tax Appeal Board are Abelardo & Elda Espinoza, 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 **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: \$2,869
IMPR.: \$31,206
TOTAL: \$34,075

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 brick exterior construction with 1,112 square feet of living area. The dwelling was constructed in 1963. Features of the home include a full basement with finished area, central air conditioning and a 720 square foot garage. The property has an 8,400 square foot site and is located in Loves Park, Harlem 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 .16 to 1.13-miles from the subject. The comparables are improved with one-story frame dwellings that range in size from 966 to 1,108 square feet of living area. The dwellings were constructed between 1959 and 1972. Each comparable has a full basement and central air conditioning. Comparables #3 and #4 each have a garage of 264 and 1,066 square feet of

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

building area, respectively. Two of the comparables each have a fireplace. The comparables sold between January 2014 to July 2014 for prices ranging from \$20,000 to \$44,900 or from \$20.53 to \$40.52 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 \$21,742 to \$37,718.

Based on this evidence the appellants requested the subject's total assessment be reduced to \$10,075 which would reflect a market value of \$30,228 or \$27.18 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 \$36,483. The subject's assessment reflects a market value of \$109,460 or \$98.44 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.

As part of the response, Thomas Ewing, member of the board of review, wrote that the township assessor was agreeable to reducing the subject's improvement assessment from \$33,614 to \$31,206, although there was no indication on the "Board of Review Notes on Appeal" that the board of review was "willing to stipulate" in this matter.

In further response to the appellants' evidence, the board of review submitted data reiterating the appellants' comparables along with supporting documentation. The assessing officials contend that the appellants' suggested comparables #1 through #4 had condition issues and/or were REO, related party and/or "deed in trust" sales.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales. The comparables are improved with one-story frame or aluminum siding dwellings that range in size from 844 to 912 square feet of living area. The dwellings were constructed between 1973 and 1981. Each comparable has a full or partial basement, one of which has finished area. Two of the homes have central air conditioning and two of the comparables have garages of 288 and 440 square feet of building area, respectively. One of the comparables has a fireplace. The comparables sold between August 2014 and May 2015 for prices ranging from \$86,600 to \$97,000 or from \$101.43 to \$110.35 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.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains information on eight sales provided by the parties. The evidence in the record disclosed that several of the appellants' sales were REO. 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 #1 as the property was noted to have condition issues prior to the sale transaction that the appellants reported. The Board has also given reduced weight to appellants' comparable #2 as the sale was reported to have been between related parties.

The Board finds the best evidence of market value to be appellants' comparable sales #3, #4 and #5 along with the board of review comparable sales which are each smaller than the subject dwelling. These most similar comparables sold between February 2014 and May 2015 for prices ranging from \$33,501 to \$97,000 or from \$30.81 to \$110.35 per square foot of living area, including land. The subject's assessment reflects a market value of \$109,460 or \$98.44 per square foot of living area, including land, which is above the range established by the best comparable sales in this record in terms of overall value. After considering adjustments to the comparables for differences in dwelling size and/or garage size when compared to the subject property, the Board finds a reduction in the subject's assessment commensurate with the reduction proposed by the board of review 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. 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Abelardo & Elda Espinoza
2219 Exeter Avenue
Loves Park , IL 61111

COUNTY

Winnebago County Board of Review
Winnebago County Admin. Bldg.
404 Elm Street
Rockford, IL 61101