



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

APPELLANT: Donald & Delores Cain
DOCKET NO.: 15-00034.001-R-1
PARCEL NO.: 04-20-302-026

The parties of record before the Property Tax Appeal Board are Donald & Delores Cain, 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: \$11,333
IMPR.: \$37,394
TOTAL: \$48,727

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 1,550 square feet of living area. The dwelling was constructed in 1983. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a 600 square foot garage. The property has a 26,512 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 both reported the recent purchase of the subject property and submitted comparable sales data.

As to the recent sale, the appellants completed Section IV – Recent Sale Data of the appeal petition reporting that the subject was purchased on August 20, 2013 for \$90,400. The property

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

was sold by Housing and Urban Development (HUD) through a realtor and the property had been listed with the Multiple Listing Service (MLS) for a period of 33 days prior to the sale. In further support of the transaction, the appellants submitted a copy of the Settlement Statement that reiterated the purchase price and the date of sale. The document also depicted the distribution of brokers' fees to two entities. The appellants also submitted a copy of the MLS data sheet indicating the property had a repair escrow of \$3,300 noting that "plumbing repairs needed." The MLS data sheet reflected an original asking price of \$105,300.

In addition, the appellants submitted information on five comparable sales located from .67 to 1.21-miles from the subject. The comparables are improved with one-story frame dwellings that range in size from 1,314 to 1,534 square feet of living area. The dwellings were constructed between 1977 and 1983. Each comparable has a full basement, central air conditioning and a garage ranging in size from 440 to 624 square feet of building area. Four of the comparables each have a fireplace. The comparables sold between April 2014 and November 2014 for prices ranging from \$72,000 to \$89,500 or from \$50.77 to \$62.50 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 \$93,546 to \$107,666.

Based on this evidence the appellants requested the subject's total assessment be reduced to \$30,130 which would reflect a market value of \$90,399 or \$58.32 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 \$48,727. The subject's assessment reflects a market value of \$146,196 or \$94.32 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 four of the appellants' comparables sales were foreclosures. As to the sale of the subject, the township assessor also asserted the transaction was via Special Warranty Deed, a government sale; the assessor was unable to locate the 2013 sale of the subject on the MLS.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. The comparables are improved with one-story frame dwellings that range in size from 1,323 to 1,787 square feet of living area. The dwellings were constructed between 1988 and 1991. Each comparable has a full basement, three of which have finished areas. Each home has central air conditioning, one or two fireplaces and a garage ranging in size from 480 to 836 square feet of building area. The comparables sold between May 2014 and July 2016 for prices ranging from \$147,050 to \$177,900 or from \$87.15 to \$111.15 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains information on ten sales provided by the 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.

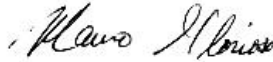
The Board has given reduced weight to the August 2013 sale of the subject property since the sale is dated for the valuation date of January 1, 2015 and the property was sold with condition issues; there is no data in the record to indicate that the subject property still has those same condition issues as of January 1, 2015 which existed at the time of the sale transaction.

The Board has also given reduced weight to appellants' sale #5 and board of review sale #5 as each of these dwellings are smaller than the subject dwelling. Similarly, the Board has given reduced weight to board of review sale #3 as this dwelling is larger than the subject dwelling. Reduced weight was given to board of review comparable sale #4 which occurred in July 2016, approximately 1.5 years after the valuation date at issue of January 1, 2015.

The Board finds the best evidence of market value to be appellants' comparable sales #1 through #4 along with board of review comparable sales #1 and #2. The appellant's best comparable sales appear to set the low end of the range of sale prices due to the apparent compulsory nature of those sales. These six most similar comparables sold between April 2014 and November 2014 for prices ranging from \$72,000 to \$158,000 or from \$50.77 to \$100.25 per square foot of living

area, including land. The subject's assessment reflects a market value of \$146,196 or \$94.32 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. After considering adjustments and the differences in both parties' best comparable sales in the record when compared to the subject property, 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(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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