



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

APPELLANT: Percy Brown
DOCKET NO.: 15-00037.001-R-1
PARCEL NO.: 11-16-480-006

The parties of record before the Property Tax Appeal Board are Percy Brown, the appellant,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: \$647
IMPR.: \$1,686
TOTAL: \$2,333

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 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 1,107 square feet of living area. The dwelling was constructed in 1949. Features of the home include a full basement with finished area and a detached one-car garage of 280 square feet of building area. The property has a 6,550 square foot site and is located in Rockford, Rockford Township, Winnebago County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on May 30, 2014, approximately seven months prior to the assessment date at issue, for a price of \$7,000. The appellant reported that the property was purchased through a realtor and had been listed on the Multiple Listing Service (MLS) prior to the sale. A copy of the MLS listing indicates that the

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

asking price was \$17,000 and the property was on the market for 178 days with the remarks "sold as-is" and "needs TLC." The final sale price was reported as \$7,000.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,186. The subject's assessment reflects a market value of \$30,561 or \$27.61 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 sale of the subject, the board of review through the township assessor contends that the subject's sale "included another parcel and was [a] compulsory sale." No factual data was provided to support these assertions. Additionally, the assessing officials contend that the appellant's evidence of the sale of the subject is "insufficient" due to a lack of a settlement statement "or other specific info on subject sale." The Property Tax Appeal Board takes notice that the property record card of the subject reflected a sale in May 2014 for \$14,000.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales located within .4 of a mile of the subject property. The comparable parcels range in size from 6,943 to 10,350 square feet of land area which have been improved with one-story dwellings of aluminum/vinyl siding that were 58 to 65 years old. The homes range in size from 864 to 1,130 square feet of living area and feature full basements, two of which have finished areas. The comparables have central air conditioning which is not a feature of the subject and each of the comparables have a garage ranging in size from 352 to 528 square feet of building area. The sales occurred between March 2013 and October 2013 for prices ranging from \$35,000 to \$62,000 or from \$33.52 to \$54.87 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 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 Board finds the best evidence of market value to be the purchase of the subject property in May, 2014 for a price of \$7,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing

Service for 178 days. While the board of review contended that the sale of the subject involved two parcels, no documentation such as an Illinois Real Estate Transfer Declaration was provided to support this claim. On this limited record, the Board finds the purchase price of \$7,000 reflects the sale price of the subject property and this sale price is below the market value reflected by the assessment of \$30,561.

As to the comparable sales presented by the board of review, the Board has given little weight to these sales which occurred in 2013, dates remote in time to the valuation date at issue of January 1, 2015 and thus less likely to be indicative of the subject's estimated market value. Moreover, each dwelling is superior to the subject with central air conditioning and a larger garage. Furthermore, the Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the subject's sale transaction, to establish that the sale of the subject involved two properties or to refute the contention that the purchase price was reflective of market value at the time of sale given the condition of the subject property being "as-is" and needing TLC.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill. App. 3d 369 (1st Dist. 1983). In light of this holding, board of review's sales would be entitled to less weight in the final analysis.

Based on this record the Board finds the subject property had a market value of \$7,000 as of January 1, 2015. Since market value has been determined the 2015 three year average median level of assessment for Winnebago County of 33.33% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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

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