



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

APPELLANT: Martin Selover
DOCKET NO.: 15-00414.001-R-1
PARCEL NO.: 08-20-279-001

The parties of record before the Property Tax Appeal Board are Martin Selover, the appellant, 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: \$5,684
IMPR.: \$22,686
TOTAL: \$28,370

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 is improved with a one-story dwelling of frame construction with 1,216 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full unfinished basement, central air conditioning and an attached two-car garage with 484 square feet of building area. The property has an approximately .3-acre site and is located in Machesney Park, Harlem Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant completed Section V of the appeal using four comparable sales improved with three one-story dwellings and a split-level style dwelling that ranged in size from 1,112 to 1,864 square feet of living area. The dwellings were constructed in 1992 or 1996. Each comparable was described as having a basement with two having finished area. Each comparable had central air conditioning, three had a fireplace and each comparable had a garage ranging in size from

440 to 528 square feet of building area. These properties sold from June 2012 to February 2015 for prices ranging from \$76,600 to \$115,000 or from \$55.25 to \$71.47 per square foot of living area, including land. The appellant provided copies of the Multiple Listing Service (MLS) listing sheets for each of the comparables disclosing comparables #1 and #3 were short sales and comparable sales #2 and #4 were lender owned. The MLS listing for comparables #3 and #4 indicated these properties had a full finished lower level or finished basement. The MLS listing for comparable #2 indicated this property was freshly painted with new carpet and vinyl throughout along with a lower level family room.

The appellant also described the subject property. He noted that the basement was "not [fixed] up at all" with features of a small deck, no fireplace and a "powerline next to it."

Based on this evidence the appellant requested the subject's assessment be reduced to \$27,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$38,787. The subject's assessment reflects a market value of \$116,373 or \$95.70 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 support of its contention of the correct assessment the board of review submitted a memorandum from the Harlem Township Assessor's Office along with information on four comparable sales. In the memorandum, the assessor noted the subject is located in the Machesney Park and Loves Park area with major streets of Alpine Road to the north and Lane Road to the west bordering the subdivision. Furthermore, the assessor noted that the appellant purchased the subject property in 2012 from HUD for \$67,500. The assessor further reported the subject property is being rented out by the appellant "and receiving an owner occupied exemption."

The four comparables are improved with one-story dwellings of frame construction that ranged in size from 1,036 to 1,307 square feet of living area. The dwellings were constructed between 1989 and 1996. Each comparable has a full basement with two being partially finished. Each comparable has central air conditioning and three of the comparables have a fireplace. Each comparable has a garage ranging in size from 440 to 497 square feet of building area. The sales occurred from May 2012 to April 2015 for prices ranging from \$109,000 to \$117,500 or from \$84.16 to \$109.07 per square foot of living area, including land.

In rebuttal the board of review also provided a statement asserting that appellant's sale #1 was purchased from a bank on a Special Warranty Deed (bank REO) for \$76,600; appellant's sale #2 was a tri-level dwelling that sold from a bank (governmental/bank REO) on Special Warranty Deed; appellant's sale #3 was an arm's length, short sale, but is also 393 square feet larger than the subject; and appellant's sale #4 sold from HUD by Special Warranty Deed in 2012 and is owner occupied.

Based on the foregoing 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 record contains information on eight comparable sales submitted by the parties. The Board finds that all four of the appellant's comparables were either short sales or lender owned. 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 further finds the best evidence of market value to be appellant's comparable sale #1 and board of review comparable sale #1. These comparables were relatively similar to the subject in age, style and features, including the lack of basement finish. Additionally, these properties sold most proximate in time to the assessment date at issue. These properties sold for \$76,600 and \$110,000 or for \$68.88 and \$84.16 per square foot of living area, including land. The subject's assessment reflects a market value of \$116,373 or \$95.70 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. After giving due consideration to the subject's age and size when compared to these best comparables in the record, the Board finds the subject property is overvalued.

Less weight was given appellant's sale #2 as the home differed from the subject in style. Less weight was given appellant's sales #3 and #4 along with board of review sales #2 and #4 as these properties had finished basements when the subject has an unfinished basement. Furthermore, three of these properties along with board of review comparable #3 sold in 2012 or 2013, not proximate in time to the assessment date at issue.

Based on this evidence the Board finds a reduction in the subject's assessment 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



Acting 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: November 21, 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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