



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

APPELLANT: Jerry Aures
DOCKET NO.: 15-01112.001-R-1
PARCEL NO.: 12-10-379-008

The parties of record before the Property Tax Appeal Board are Jerry Aures, 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 **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: \$12,708
IMPR.: \$59,792
TOTAL: \$72,500

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 "Custom" one-story dwelling of brick exterior construction with 3,037 square feet of living area. The dwelling was constructed in 1988. Features of the home include a partial unfinished basement, central air conditioning, two fireplaces and an attached 713 square foot garage. The property has an 18,029 square foot site and is located in Rockford, Rockford Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. As part of the appeal petition, the appellant reported that the subject property was purchased in August 2014 for \$217,500 after having been on the market for 40 days and having been advertised with the Multiple Listing Service (MLS) through a Realtor. Also as part of the appeal petition, the appellant included a narrative contending that the sale of the subject property was not an arm's-length transaction "due to inadequate time for sale" and the appellant contends an offer was made on the home without doing market research due to custom needs of the appellant's wife. As such, the

appellant contends that he paid above market for the house due to physical duress and the house accommodating the physical needs of the owners for their retirement. "The current market and typical buyer would not bear the superadequacies which reflect the homeowners specific needs with the home." As such, the appellant opined that the property would never sell for what was paid.

In further support of the overvaluation argument, the appellant submitted a grid analysis with information on five comparable sales located within a mile of the subject property and within the same neighborhood code assigned by the assessor as the subject property. The comparables consist of two "Colonial" dwellings and three "Custom" dwellings that were built between 1987 and 1991. The homes range in size from 2,384 to 3,821 square feet of living area. None of the comparables have finished basement areas. Each home has central air conditioning and one or two fireplaces along with either a two-car or a three-car garage. The comparables sold between November 2013 and November 2014 for prices ranging from \$150,000 to \$230,000 or from \$48.14 to \$71.07 per square foot of living area, including land.

Based on this evidence and argument, the appellant requested a total assessment of \$60,733 which would reflect a market value of \$182,217 or \$60.00 per square foot of living area, including land, at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$72,500. The subject's assessment reflects a market value of \$217,522 or \$71.62 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 arguments made by the appellant, a memorandum from the Winnebago County Board of Review noted that the subject property had been on the market for 40 days and "no evidence of duress was presented." As to the comparable sales presented by the appellant: comparable #1 is a "Colonial" not a "custom" dwelling; comparable #3 is 800 square feet larger than the subject; and comparable #4 is 600 square feet smaller than the subject.

In further response to the appellant's arguments, the township assessor noted that the subject property was listed with the MLS in May 2014 with an asking price of \$229,900. The township assessor further reported that the property was revalued in 2015 due to the quadrennial assessment year "and the new sale." The assessor further reported that the 2015 decision of the board of review was based on the 2014 purchase price.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located in the same neighborhood code assigned by the assessor as the subject property and within .1 of a mile of the subject. Board of review comparable #2 is the same property as appellant's comparable #5 and board of review comparable #3 is the same property as appellant's comparable #2. The comparables consist of "Custom" two-story dwellings that were built between 1987 and 1991. The homes range in size from 2,893 to 3,532 square feet of living area. Each of the comparables has a basement, three of which have finished recreation room areas. Each home has central air conditioning, one or two fireplaces and an attached garage ranging in size from 576 to 888 square feet of building area. The comparables

sold between December 2012 and November 2014 for prices ranging from \$188,000 to \$235,000 or from \$64.98 to \$87.63 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

First, the appellant reported the subject property was purchased in August 2014, a date approximately five months prior to the valuation date at issue of January 1, 2015, for a price of \$217,500. The property was not sold between related parties, was on the market with the MLS through a realtor and was advertised for a period of 40 days prior to the sale transaction. While the appellant contended that the home has "superadequacies" there was no description of what those characteristics were to make the home different from a typical residential dwelling. On the evidence in the record, the sale of the subject dwelling has all appearances of an arm's-length sale transaction which would be reflective of market value.

Second, the parties submitted a total of seven comparable sales to support their respective positions before the Property Tax Appeal Board with two of the comparables being common to both parties. The Board has given reduced weight to appellant's sale #1 and board of review sale #1 as these properties sold in 2013 and 2012, respectively, which dates are remote in time to the assessment date at issue of January 1, 2015 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. The Board has also given reduced weight to appellant's comparables #3 and #4 along with board of review comparable #4 due to differences in dwelling size of these comparables when compared to the subject dwelling of 3,037 square feet of living area.

The Board finds the best comparable sales evidence to be appellant's comparable sales #2 and #5 which are the same properties as board of review comparable sales #2 and #3. These two most similar comparables are both described as two-story dwellings which differ from the subject's one-story design. These two homes sold in August 2014 and November 2014 for prices of \$188,000 and \$210,000 or for \$64.98 and \$71.07 per square foot of living area, including land. One of these comparables has a partially finished recreation room in the basement which is not a feature of the subject dwelling and this dwelling is also slightly newer than the subject dwelling.

The subject's assessment reflects a market value of \$217,522 or \$71.62 per square foot of living area, including land. The subject's assessment reflects a market value which is above the best two comparable sales in this record which would be expected given the differences in design and dwelling size. On the other hand, the subject's assessment reflects a market value that is supported by the recent sale arm's-length sale price of the subject property in August 2014.

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Based on the evidence in this record, the Board finds no reduction in the subject's assessment is warranted.

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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