



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

APPELLANT: Mark R. & Cheryl R. Rice
DOCKET NO.: 16-00128.001-R-1
PARCEL NO.: 12-14-326-012

The parties of record before the Property Tax Appeal Board are Mark R. & Cheryl R. Rice, the appellants, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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: \$8,407
IMPR.: \$54,710
TOTAL: \$63,117

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 2016 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 two-story single-family dwelling of aluminum & vinyl siding exterior construction with 2,592 square feet of living area. The dwelling was constructed in 2001. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached 826 square foot garage. The property has a 16,937 square foot site and is located in Rockford, Rockford Township, Winnebago County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted limited information on seven comparable sales located within .37 of a mile of the subject. The comparables consist of two-story dwellings that were built between 1991 and 2002. The homes range in size from 2,352 to 2,794 square feet of living area. Each home features a full unfinished basement, central air conditioning and a fireplace. No data concerning garages was provided in the appellants' grid analysis. The comparables sold between April 2015

and June 2016 for prices ranging from \$100,000 to \$215,000 or from \$42.52 to \$77.90 per square foot of living area. The appellants' analysis included adjustments to the comparables for differences from the subject, although the data did not include any land sizes for the comparables, in order to arrive at adjusted prices ranging from \$102,068 to \$219,977 or from \$39.38 to \$84.87 per square foot of living area, including land.

Based on this evidence the appellants requested the subject's assessment be reduced to \$63,117 to reflect a market value of approximately \$189,370 or \$73.06 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 \$81,663. The subject's assessment reflects a market value of \$244,867 or \$94.47 per square foot of living area, land included, when using the 2016 three year average median level of assessment for Winnebago County of 33.35% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review contended that the appellants "submitted five comparable sales, two of which are valid." As set forth above before the Property Tax Appeal Board, the appellants actually provided seven comparable properties. As to appellants' comparable #1, the township assessor reported that while the property sold in February 2016 for \$121,000 as a "SWD/GOV.REO sale" the property re-sold in December 2016 for \$217,500. Comparable #2 from the appellants was also reportedly a "SWD/GOV.REO." Lastly, the township assessor asserted that comparable #7 was not exposed to the market. The assessor also asserted that four of the appellants' comparables were colonial style and three were "from different market neighborhoods."

Also as part of the board of review's submission is a document describing the subject's market neighborhood in Rockford Township as having 3 compulsory sales or 13.04% of the sales being compulsory.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales, four which were located in close proximity to the subject and comparable #5 was described as being 5-miles from the subject. The comparables consist of a one-story and four, two-story single-family aluminum and vinyl-siding exterior constructed dwellings that were 8 to 30 years old. The homes range in size from 2,369 to 2,748 square feet of living area that have sites ranging in size from 11,577 to 16,990 square feet of land area. The comparables feature basements, three of which have recreation rooms. Each comparable has central air conditioning, a fireplace and an attached garage ranging in size from 546 to 904 square feet of building area. The comparables sold between December 2013 and June 2016 for prices ranging from \$195,000 to \$275,000 or from \$74.60 to \$103.23 per square foot of living area, including land.

In written rebuttal, counsel for the appellants cited the provision, Section 16-183, holding that the Property Tax Appeal Board shall consider compulsory sales.¹ Counsel also acknowledged that appellants' comparable #1 resold in December 2016, but argues that the February 2016 sale price is a better indicator of value as of the January 1, 2016 assessment date. Furthermore, counsel contends that the resale sale price also supports a reduction in the subject's assessment.

As to the board of review's comparable evidence, counsel for the appellants contends sales #1, #2 and #4 have dates of sale too remote in time from the valuation date to be indicative of market value. In addition, board of review comparable #1 is a dissimilar one-story dwelling as compared to the subject's two-story design. Counsel also contends that comparable sale #5 is located "almost 3 miles from the subject" and should be given little, if any, weight in the Board's analysis.

Counsel further contended that appellants' comparables #1 through #6 along with board of review comparable #3 were the "best" comparables in the record and based on this data, a reduction in the subject's assessment is warranted. Counsel also argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Appellant further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

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.

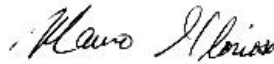
The parties submitted a total of 12 comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparable #7 which apparently was not advertised prior to the reported sale transaction. The Board has also given reduced weight to board of review comparables #1, #2 and #4 due to their sale dates in 2013 and 2014 which are less likely to be indicative of the subject's estimated market value as of January 1, 2016. In addition, comparable #1 is a dissimilar one-story dwelling when compared to the subject. The Board has also given reduced weight to board of review comparable #5 which was shown by both parties to be distant from the subject property.

The Board finds the best evidence of market value to be appellants' comparable sales #1 through #6 along with board of review comparable sale #3 which reflect a total of eight sale prices since appellants' #1 sold twice in one year. These comparable dwellings have varying degrees of similarity to the subject which is newer than each of the comparables and sold between January

¹ "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.

2015 and December 2016 for prices ranging from \$121,000 to \$217,500 or from \$43.31 to \$77.90 per square foot of living area, including land. The subject's assessment reflects a market value of \$244,867 or \$94.47 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment commensurate with the appellants' request 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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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: July 17, 2018



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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