



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

APPELLANT: Nathan & Andrea Nafranowicz
DOCKET NO.: 16-00215.002-R-1
PARCEL NO.: 12-09-353-023

The parties of record before the Property Tax Appeal Board are Nathan & Andrea Nafranowicz, the appellants, 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: \$19,939
IMPR.: \$78,444
TOTAL: \$98,383

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 frame exterior construction with 3,280 square feet of living area. The dwelling was constructed in 1982. Features of the home include a full basement with a recreation room, central air conditioning, three fireplaces and both a 781 square foot attached garage and a 1,320 square foot detached garage. The property has a 31,552 square foot site and is located in Rockford, Rockford Township, Winnebago County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was recently purchased along with evidence of three comparable properties.

As to the recent purchase price, the appellants completed Section IV – Recent Sale Data of the Residential Appeal petition reporting that on July 29, 2016 the subject dwelling was purchased

for \$285,000. The appellants reported the seller was Cheryl Jarrett Trustee, the parties to the transaction were not related and the property was sold by the owner; the appellants also wrote:

Owner had Realtor set price and set up showings; we saw property the day of Realtor potential listing date; Realtor was not used. Owner said they would pay him for his time.

The appellants further reported the realty firm was Gambino with agent Frank Werstein. The appellants also wrote, "Realtor had showings set up but property was not listed. The appellants report the property was occupied as of the date of purchase. Supporting documentation of the sale of the subject includes a Closing Disclosure with a reported sale price of \$295,000.

In Section III of the Residential Appeal petition, in reporting the most recent sale price in July 2016, the appellants also wrote "\$285,000 + \$10,000 personal property." No other documentation of this purported personal property was provided with the appeal; page 3 of the Closing Disclosure in the line, "Sale Price of Any Personal Property Included in Sale," is left blank beneath the reported total sale price of \$295,000.

In further support of the overvaluation claim, the appellants completed the Section V grid analysis with data on three properties located in close proximity to the subject. The comparables consist of two-story frame, aluminum and vinyl or masonry and frame dwellings that were 25 to 29 years old. The homes range in size from 3,044 to 3,504 square feet of living area. Features of the dwellings include basements, one of which has finished area. The homes have central air conditioning, one or two fireplaces and a two-car to a four-car garage. The appellants report that as of the submission of their evidence, these comparables had been on the market from 75 to 322 days. Comparable #1 sold in August 2016 for \$295,000 or \$84.18 per square foot of living area, including land. Comparables #2 and #3 were "not sold"; in attached documentation, there are handwritten notations indicating MLS reference numbers and asking prices of \$299,000 and \$274,900, respectively.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the reported purchase price of \$285,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$110,000. The subject's assessment reflects a market value of \$329,835 or \$100.56 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 sale of the subject property, the board of review contends the property "was not exposed to the market." In addition, the township assessor reported that appellant's comparable #3 was an "expired listing, but is now listed with a Chicago area realtor." Copies of listing sheets for appellants' comparables #2 and #3 depict asking prices as of March 2017 of \$265,000 and as of October 2016 of \$259,900, respectively.

In support of its contention of the correct assessment the board of review submitted information on two properties where comparable #1 was the same property as appellants' comparable sale #1

and comparable #2 was an "expired listing." The comparables consist of a two-story and a one-story dwelling of aluminum/vinyl and frame construction, respectively. The homes were 27 and 30 years old and contain 3,504 and 2,572 square feet of living area, respectively. Each home has a basement with finished area, central air conditioning, one or two fireplaces and an attached garage of either 840 or 870 square feet of building area. Comparable #1 sold in August 2016 for \$295,000 and comparable #2 had been on the market for 123 days after being listed in May 2015 for \$279,900.

Based on the foregoing evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In written rebuttal, the appellants reiterated their contention that the sale price of the subject was determined by a realtor who was "paid a commission for the final sale." The appellants further contend the purchase price is supported by area sales of similar homes. The common comparable sale #1 presented by both parties sold for \$84,000 less than the asking price after being on the market for 182 days. As to board of review comparable #2 that was listed for \$279,900 was removed from the market after 123 days and a failure to sell. The appellants also report in rebuttal that their comparable #2 was on the market for 527 days; the property did not sell at a reduced asking price of \$265,000 and was removed from the market.

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 appellants argued the subject property's assessment was not reflective of its fair market value based on its July 2016 purchase price of \$285,000. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000).

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428 (1970). In addition, Section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

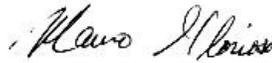
The Property Tax Appeal Board finds the subject's sale standing alone does not meet at least two of the fundamental requirements to be considered an arm's-length transaction reflective of fair

cash value. The Board finds the best evidence in the record clearly shows the subject property was not advertised or actually exposed for sale on the open market. Thus, the general public did not have the same opportunity to purchase the subject property at any negotiated sale price. Therefore, the subject's sale price was given reduced weight in the Board's analysis.

The Property Tax Appeal Board has also given little weight to board of review comparable #2 due to its one-story design as compared to the subject's two-story design.

On this record, the Board finds the best evidence of market value to be the common sale property presented by both parties which sold in August 2016 for \$295,000 along with the evidence presented by both parties that other area listings failed to sell at asking prices ranging from \$259,900 to \$299,000. Based on this data of sales and listings, the subject property with an estimated market value of \$329,835 based on its assessment was overvalued. Based on this record, the Board finds the subject property had a market value of \$295,000 as of January 1, 2016. Since market value has been determined the 2016 three year average median level of assessment for Winnebago County of 33.35% 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(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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