



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

APPELLANT: Lynnrae G. Olsen, Trustee
DOCKET NO.: 18-01104.001-R-1
PARCEL NO.: 11-14-303-003

The parties of record before the Property Tax Appeal Board are Lynnrae G. Olsen, Trustee, the appellant, by attorney James E. Tuneberg, of Guyer & Enichen in Rockford; 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: \$2,394
IMPR.: \$3,607
TOTAL: \$6,001

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 2018 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 two-unit duplex dwelling of brick exterior construction with 1,292 square feet of living area. The dwelling was constructed in 1940. Features of the duplex include a full unfinished basement, central air conditioning and a two-car detached garage. The property has a 6,748 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 disclosed in Section IV – Recent Sale Data of the appeal that the property was purchased from David and Carolyn Johnson in June 2018 for a price of \$18,000. The appellant indicated the property was for-sale-by-owner and had previously been advertised through the Multiple Listing Service (MLS) in 2010 and 2012. The appellant submitted the 2010 and 2012 MLS sheets for the subject along with the settlement statement dated June 12, 2018 which disclosed a cash

transaction of \$18,000. The appellant also submitted a description and photographs documenting the subject's condition at the time of purchase. The appellant asserts that one unit was uninhabitable at the time of purchase, requiring replacement of a bathroom, flooring throughout, wiring updates, heating/cooling and water heater and exterior door. The second unit was described as needing some bathroom updates along with furnace and water heater. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$6,000, reflecting the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$12,041. The subject's assessment reflects a market value of \$36,116 or \$27.95 per square foot of living area, land included, when using the 2018 three year average median level of assessment for Winnebago County of 33.34% as determined by the Illinois Department of Revenue.

The board of review included conflicting statements regarding the subject's assessed value. In the Rockford Township PTAB sheet they appear to indicate that the subject's value should be lowered, stating "due to photographs provided, that were not available during the BOR hearing, the TA is lowering the subject's CDU to very poor, stipulating to a market value of \$23,312." Then in a May 15, 2019 Board of Review – Notes on Appeal comment the board of review requests that the current assessed value be sustained.

In support of its contention of the correct assessment the board of review submitted information on three comparables sales located in the same neighborhood code as the subject property. Two of the comparables have sites with 6,885 to 10,000 square feet of land area and one comparable had no site size reported. The comparables are improved with a two-family and two, three-family dwellings of brick or frame exterior construction that range in size from 1,960 to 2,450 square feet of living area. The homes were built in 1964 or 1969. Each comparable has a full basement, one with finished area, central air conditioning and two of the comparables have a garage with 440 or 528 square feet of building area. Based on this evidence, the board of review indicated on the "Notes on Appeal it was willing to stipulate to a revised lower assessment of \$7,770.

In rebuttal, the appellant's counsel refused the board of review's offer to stipulate and responded to the evidence put forth by the board of review. Appellant's counsel submitted MLS sheets on board of review comparables #1, #2 and #4 which documented condition of these properties.¹ Comparable #1 was sold in "as is" condition and reflects a three-unit property; comparable #2 was advertised as very well maintained with no repairs required and a finished basement; comparable #3 was identified as two buildings located on a single parcel and comparable #4 was a three-unit property with numerous renovations and improvements. The appellant reaffirmed its request of \$18,000 market value or a \$6,000 assessed value.

Conclusion of Law

¹ The Board finds that board of review's grid analysis presented five comparables where comparables #3 and #4 were the same street address and property identification number. The appellant's counsel has treated board of review comparables #3 and #4 as one comparable which he called comparable #4.

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 gave little weight to the board of review comparables which differ from the subject in living area, finished basement, number of rental units and/or condition.

The Board finds the best evidence of market value to be the purchase of the subject property in June 2018 for a price of \$18,000. The appellant disclosed that the sale of the subject property was for-sale-by-owner and was a cash transaction. A copy of the subject's property record card, submitted by the board of review, describes the 2018 sale of the property as invalid. This is asserted in Rockford Township's Subject Sales Notes that indicate the Deed in Trust issued for the sale renders the sale invalid. However, as defined in the Dictionary of Real Estate Appraisal, Fourth Edition, a deed in trust is a legal instrument which conveys or transfers a property title to a trustee. The appellant completed portions of Section IV - Recent Sale Data of the appeal disclosing the property had been advertised on the open market with the Multiple Listing Service in 2010 and 2012 and it had been on the market for over 200 days at that time. The Board finds that the purchase price is below the market value reflected by the assessment and evidenced by the township's indication that the subject's condition rating should be lowered to very poor. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property had a market value of \$18,000 as of January 1, 2018. Since market value has been determined the 2018 three year average median level of assessment for Winnebago County of 33.34% 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: December 15, 2020



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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