



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

APPELLANT: Mark Crosby
DOCKET NO.: 18-01244.001-R-1
PARCEL NO.: 11-13-133-007

The parties of record before the Property Tax Appeal Board are Mark Crosby, 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: \$2,515
IMPR.: \$23,077
TOTAL: \$25,592

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 parties appeared before the Property Tax Appeal Board on March 21, 2022 for a virtual hearing by Webex video conferencing pursuant to prior written notice dated January 13, 2022. Upon inquiry at the commencement of the virtual hearing, neither party raised any objection to use of this virtual hearing format. Appearing virtually on behalf of the appellant was the appellant, and appearing virtually on behalf of the Winnebago County Board of Review was Jay Dowthard, board of review member, along with the board of review's witness appearing virtually, David Layng, a deputy assessor in Rockford Township.

The subject property consists of a two-story Colonial-style home with 1,452 square feet of living area. The dwelling was constructed in 1924 and is approximately 94 years old. Features of the

home include an unfinished basement, 1.5 bathrooms, a fireplace, and a 342 square foot garage.¹ The property has a 6,450 square foot site and is located in Rockford, Rockford Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a Residential Appeal petition, photographs of the subject and the appellant's comparables, and a four page spreadsheet list of sales in Rockford Township where the appellant's four comparables were highlighted on the list.

The four comparable sales presented in the appellant's Section V grid analysis are located from 1 to 3 blocks from the subject property and three of the comparables are located within the same assessment neighborhood code as the subject property. The parcels range in size from 5,000 to 9,000 square feet of land area and are improved with two-story homes ranging in size from 1,416 to 2,048 square feet of living area. The dwellings range in age from 89 to 105 years old. Each home has a basement, one of which has finished area, 1 or 1.5 bathrooms, a fireplace, and a garage ranging in size from 216 to 742 square feet of building area. Three homes have central air conditioning. The comparables sold from January 2016 to June 2017 for prices ranging from \$36,101 to \$69,000 or from \$23.23 to \$40.61 per square foot of living area, including land.

At hearing, Crosby testified that Winnebago County has a one of the highest county population loss rates in the country, which he believed was due to high property taxes. The appellant stated that the subject is located on a busy street with speed bumps on the northwest side of Rockford. The appellant testified there have been recent gang shootings 3 blocks from the subject and areas in the vicinity of the subject are classified by the United States Census Bureau as poverty areas, which the appellant asserted are affecting the subject's market value.

Crosby pointed out that the board of review reported that a property located at 1719 Melrose sold in March 2018 for \$116,500.² However, the appellant testified that this property also sold in March 2017 for \$55,000, which was not reported by the board of review. The appellant speculated that the property must have been fixed up since its 2017 sale.

Crosby stated his comparables support a reduction in the subject's assessment to \$41.00 per square foot of living area, including land. The appellant described his comparable #1, which sold for \$40.50 per square foot, as having one half bathroom less than the subject, having central air conditioning and finished basement area unlike the subject, having a smaller garage than the subject, and being similar in age and dwelling size to the subject. The appellant described the appellant's comparable #2, which sold for \$40.61 per square foot, as being similar in age to the subject, having one less half bathroom than the subject, and having a bigger deck than the subject. The appellant described the appellant's comparable #3, which sold for \$33.69 per square foot, as being a larger home than the subject, having the same number of bathrooms as the subject, and having a garage twice the size of the subject garage. The appellant described the appellant's comparable #4, which sold for \$23.23 per square foot, as having the same number of

¹ As an initial matter, the Administrative Law Judge asked the parties for clarification regarding whether the subject has central air conditioning and/or a fireplace and both parties affirmed that the subject has a fireplace but does not have central air conditioning.

² The board of review presented a grid analysis of the appellant's comparables, including a property located at 1719 Melrose which is not one of the appellant's comparables.

bathrooms, being similar to the subject in dwelling size, and having a larger deck than the subject. Crosby acknowledged this property is located in a different neighborhood, which he characterized as an “upper grade neighborhood,” than the subject. The appellant stated this property was a “government repo” but sold on the market by warranty deed.

In conclusion, the appellant argued that the subject should not be assessed like properties west of the river because the subject is surrounded by poverty areas.

On cross-examination, Dowthard asked the appellant why 2016 sales were used as comparables. The appellant responded that he understood that only sales prior to the assessment date were considered in the assessment process. The Administrative Law Judge (ALJ) clarified to Crosby that although the assessing officials may consider prior year sales, on appeal before the Property Tax Appeal Board, sales before or after the assessment date may be considered.

The ALJ asked Crosby to clarify whether he lives at the subject property. He confirmed that he lives there and does not live anywhere else. The ALJ asked whether the subject property had any changes from 2017 to 2018. The appellant responded there were no substantial changes.

Based on this evidence, the appellant requested a reduction in the subject’s total assessment to \$19,844 which would reflect a market value of \$59,538 or \$41.00 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 \$25,592. The subject's assessment reflects a market value of \$76,761 or \$52.87 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.

Also, as part of the "Board of Review Notes on Appeal," the board of review reported that 2015 was the first year of the general assessment cycle for the subject property and that for tax year 2018 an equalization factor of 1.00449 was applied to non-farm properties in Rockford Township.

In support of its contention of the correct assessment, the board of review submitted as exhibits to its “Board of Review Notes on Appeal” the following: a grid analysis of five comparable sales, a grid analysis of the appellant’s comparables,³ a map depicting the locations of both parties’ comparables in relation to the subject, the subject’s property record card, and a decision of the board of review sustaining the subject’s assessment and noting that the assessment is the subject’s 2016 assessment plus the 2017 and 2018 multipliers (township equalization factors).

The five comparable sales presented on the board of review’s grid analysis are located within the same assessment neighborhood code as the subject property. The parcels range in size from 3,500 to 7,500 square feet of land area and are improved with two-story homes ranging in size from 1,320 to 1,558 square feet of living area. The dwellings were built from 1915 to 1940.

³ The grid analysis includes the four comparable sales presented in the appellant’s grid analysis plus an additional comparable sale that was not presented by the appellant before the Property Tax Appeal Board.

Each home has an unfinished basement, 1 or 1.5 bathrooms, and a garage ranging in size from 216 to 784 square feet of building area. Four homes have central air conditioning and three homes each have a fireplace. The comparables sold from March 2017 to April 2018 for prices ranging from \$62,500 to \$89,000 or from \$46.50 to \$67.42 per square foot of living area, including land. At hearing, Dowthard asserted the median price per square foot for these comparables is \$57.29, which the subject is below.

Dowthard testified that the subject is a Colonial-style home, but because there were few sales of Colonial-style homes in the subject's neighborhood, the board of review's comparables are all differing style homes. Dowthard further testified that the comparables are in the same neighborhood as the subject and are close to the subject in dwelling size.

The board of review called Layng as a witness. Layng testified that the board of review's comparables have fewer bathrooms than the subject, except for the board of review's comparable #1 which has the same number of bathrooms as the subject. Layng clarified that the subject's assessment is on an "override" with only the equalization factor being added. Layng further argued the appellant's comparable #3 is a much larger home than the subject.

The ALJ asked for the amount of the subject's 2017 assessment. Layng reported it was \$24,492. The ALJ asked for confirmation of the equalization factor for 2018, which the "Board of Review Notes on Appeal" disclosed was 1.0449. Dowthard confirmed it was about 1.04.

Based on this evidence the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant acknowledged that the subject's assessment had been reduced for the 2016 tax year but he contended that it had not been reduced sufficiently to the amount he had requested, which was a market value of approximately \$60,000, similar to his request in this appeal. The ALJ asked for the amount of the subject's reduced 2016 assessment. Layng reported it was \$24,033.

Crosby asserted that four of the board of review's comparables have central air conditioning whereas the subject does not and that the board of review's comparable #3, which sold for \$46.50 per square foot, supports a reduction in the subject's assessment.

In closing, the appellant reiterated his argument that sales after January 1, 2018 should not be considered because this sales data was not available to the appellant when the appeal was filed. Crosby argued that the subject's market value as reflected in its assessment, being approximately \$75,000, is higher than the \$69,000 sale price of the appellant's comparable #3, which is a larger home than the subject, and is not supported by the evidence.

Dowthard argued in closing that the evidence supports the subject's assessment, which was calculated by applying the equalization factors for 2017 and 2018 to the reduced 2016 assessment.⁴ Layng clarified that the assessor's website is updated when the township receives sales data, but acknowledged a lag of about three months from the date of sale.

⁴ The subject's 2017 total assessment of \$24,492 multiplied by the 2018 equalization factor of 1.0449 equals the subject's 2018 total assessment of \$25,592.

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.

The record contains a total of nine comparable sales for the Board's consideration. The Board gives less weight to the appellant's comparable #3, which is a much larger home than the subject dwelling. The Board gives less weight to the appellant's comparables #1 and #4, which sold less proximate in time to the January 1, 2018 assessment date.

The Board finds the best evidence of market value to be the appellant's comparable #2 and the board of review's comparables, which are similar to the subject in dwelling size, age, location, and some features. These most similar comparables sold from March 2017 to April 2018 for prices ranging from \$57,500 to \$89,000 or from \$40.61 to \$67.42 per square foot of living area, including land. The subject's assessment reflects a market value of \$76,761 or \$52.87 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment is not justified on grounds of overvaluation.

In the alternative and at hearing, Crosby and the board of review's witnesses testified that the board of review reduced the subject's assessment for the 2016 tax year. The board of review's witnesses explained that as an owner-occupied residence the subject's assessment was calculated for years within the general assessment cycle by adding the equalization factors for 2017 and 2018 to the 2016 reduced assessment. Section 16-80 of the Property Tax Code provides, in pertinent part, as follow:

In any county with fewer than 3,000,000 inhabitants, if the board of review lowers the assessment of a particular parcel on which a residence occupied by the owner is situated, the reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless the taxpayer, county assessor, or other interested party can show substantial cause why the reduced assessment should not remain in effect, or unless the decision of the board is reversed or modified upon review.

35 ILCS 200/16-80.

The Board finds that the subject property was appealed to the Winnebago County Board of Review for the 2016 tax year and a decision was issued by the board of review reducing the subject's assessment to \$24,033. Accordingly, with application of the equalization factor, the Board finds the subject's total assessment for the 2017 tax year was \$24,492. There is no dispute that the subject is an owner-occupied dwelling. The Board finds that the 2016 to 2018 tax years

are within the same general assessment period and an equalization factor of 1.0449 was applied in Rockford Township in 2018. Furthermore, there is no evidence that the decision of the board of review for the 2016 tax year has been reversed or modified upon review. Applying section 16-80 of the Property Tax Code results in a reduced total assessment of \$25,592, which is equal to the 2018 assessment of the subject property.

Pursuant to Section 16-80 of the Property Tax Code, the appellant must show “substantial cause why the reduced assessment should not remain in effect.” The appellant testified that he was seeking a similar reduction in this appeal as he sought for the 2016 tax year but which was not granted by the board of review. The appellant further testified that there had been no substantial changes to the subject property. The appellant’s general conclusions regarding the subject’s market value being affected by crime or poverty in the area were unsupported by any specific market value or impact. On the record, the Property Tax Appeal Board finds that the appellant failed to show substantial cause and no reduction in the subject’s assessment is justified as the provisions of Section 16-80 were properly applied to the subject property.

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:

May 17, 2022



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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