



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

APPELLANT: Dennis Campbell
DOCKET NO.: 18-01245.001-R-1
PARCEL NO.: 11-13-178-006

The parties of record before the Property Tax Appeal Board are Dennis Campbell, 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: \$5,850
IMPR.: \$35,813
TOTAL: \$41,663

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 Dennis Campbell, together with the appellant's witness appearing virtually, Mark Crosby, 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 2,084 square feet of living area. Features of the home include a basement with finished area, central air conditioning, 3.5 bathrooms, two fireplaces, and two detached garages with a combined 1,032 square feet of

building area. The property has a 15,000 square foot site and is located in Rockford, Rockford Township, Winnebago County.

As an initial matter, the Board recognizes a discrepancy between the Residential Appeal petition at Section III, which describes the subject as having frame exterior construction, and the appellant's grid analysis at Section V, which describes the subject as having aluminum/vinyl siding. At hearing, both the appellant and Crosby testified that the subject has "frame" exterior construction and the appellant admitted that the appellant's grid analysis was incorrect in that regard. Campbell testified that he had recently painted the subject home. The subject's property record card presented by the board of review discloses the subject has aluminum/vinyl siding exterior construction. During the hearing, Dowthard pointed out that the appellant's grid analysis disclosed aluminum/vinyl construction but the board of review did not present any evidence to refute the testimony of the appellant and Crosby. Thus, the Board finds that the subject has frame exterior construction.

The Board further recognizes a disagreement between the parties regarding the subject's age. The appellant reported in the Residential Appeal petition that the subject was built in 1940. The board of review presented the subject's property record card disclosing the subject was built in 1930. Upon questioning by the Administrative Law Judge (ALJ), the appellant testified the subject was built in 1946, which the appellant stated is marked in the subject's electrical box. In support of the age shown in the subject's property record card, Layng testified that the subject's age was simply part of the subject's historical record but the board of review did not present any evidence to substantiate the age of 1930 in the subject's property record card. The Board finds that the appellant's testimony is the most credible evidence in this record of the subject's age, which was not substantively refuted. Thus, the Board finds that the subject was built in 1946 and is approximately 72 years old.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a Residential Appeal petition together with assessment information relating to the subject and one comparable and a two page spreadsheet list of sales in Rockford Township with four comparable sales highlighted on the list.

The four comparable sales presented in the Section V grid analysis are located from 200 feet to 3 blocks from the subject property and within the same assessment neighborhood code as the subject property. The parcels range in size from 4,352 to 9,000 square feet of land area and are improved with two-story homes ranging in size from 1,808 to 2,188 square feet of living area. The appellant reported in the grid analysis that comparable #1 is a home of aluminum/vinyl siding exterior construction and comparables #2 through #4 are each homes of stucco exterior construction. The dwellings range in age from 78 to 118 years old. Each home has a basement, two of which have finished area, 1.5 to 3.5 bathrooms, and one or two garages ranging in size from 240 to 742 square feet of combined building area. Three homes have central air conditioning and three homes have one or two fireplaces. The comparables sold from July 2015 to November 2017 for prices ranging from \$69,000 to \$82,000 or from \$33.69 to \$43.14 per square foot of living area, including land.

At hearing, Campbell testified that the subject was built by a carpenter who built other homes in the subject's neighborhood, with the subject being the last home constructed by this builder. He

testified that this builder constructed the garages first, then the homes. The appellant explained that the subject has two garages and one home on a double lot because the builder constructed the garage on the second lot then went out of business before a home was built on that lot.

The appellant stated that the appellant's comparable #1¹ was one of the homes constructed by this same builder and described this home as "the exact same house as mine." Campbell testified that the appellant's comparable #1 also has two garages, one full garage and one ¾ garage. The appellant stated this comparable has 3.5 bathrooms and the same custom woodwork as the subject. The appellant asserted that this comparable was sold through a realtor.

The appellant requested a reduction in the subject's assessment to reflect a market value similar to the appellant's comparable #1 plus an amount to account for the subject's larger or double lot and larger combined garage size.

Campbell testified that property values in the subject's neighborhood have been declining. The appellant stated there was a shooting incident that occurred 3 blocks away from the subject 4 or 5 years ago during which "gangs" crashed into a property, were shooting at each other in the yard and then ran away abandoning stolen vehicles. The appellant further testified that there were refurbished rental properties located across the street from the subject and located behind the subject in the adjacent "rich neighborhood," resulting in a market aimed at attracting rental property investors rather than single families.

On cross-examination, Dowthard asked whether the subject was a custom-built home. The appellant clarified the subject was not custom-built and the same builder constructed 3 or 4 homes of similar design in the subject's neighborhood. The appellant explained the design was custom to the builder but not custom to the owner.

Dowthard asked the appellant for clarification on the "rich neighborhood." The appellant testified that the adjacent "rich neighborhood" is "more expensive" and located closer to the river. The appellant stated that this adjacent neighborhood is not the same neighborhood as the subject for assessment purposes. The appellant acknowledged that the same builder who built the subject also built homes in this adjacent neighborhood.

Dowthard questioned the appellant regarding differences between the subject and the appellant's comparable #1, such as lot size and finished basement area. The appellant acknowledged the subject's larger lot size but contended that both properties have finished basement area. Campbell testified that he had been inside the appellant's comparable #1 and had seen the finished basement area.

Dowthard asked whether the subject had recent improvements. The appellant denied recent improvements but stated that the subject has newer carpet and flooring.

The ALJ asked the appellant whether there were any properties with similar lot sizes to the subject. The appellant testified that there were properties in the adjacent neighborhood near the

¹ The appellant referred to this property as comparable #2 but identified the address of this property as the same address as comparable #1.

river with larger lots but none in the subject's neighborhood. The appellant explained that many lots in the subject's neighborhood had even been subdivided so there were many smaller lots.

The ALJ asked the appellant to clarify the sizes of the subject's two garages. The appellant testified that the garage size shown in the appellant's grid analysis is the combined square footage of the subject's two garages. The appellant stated that the garage size shown in the appellant's grid analysis for the appellant's comparable #1 is also combined square footage for that property's two garages.

The appellant further asserted that the appellant's comparable #1 sold for \$84,000 close to the assessment date.² The appellant argued that the subject's double lot was not worth the additional \$40,000 between the market values of the subject and the appellant's comparable #1 as reflected in their total assessments.

The appellant called Crosby as a witness. Crosby testified that he was the appellant's neighbor and assisted the appellant with this appeal. Crosby reiterated that the appellant's comparable #1 sold proximate to the assessment date for \$84,000. Crosby stated that 4 homes similar to the subject were built by the same builder in the subject's neighborhood but only the appellant's comparable #1 recently sold. Crosby testified that this property was more similar to the subject than the other appellant's comparables. Crosby stated that the appellant's comparable #1 is located on the same street as the subject. Crosby reiterated the appellant's request for a reduction in the subject's assessment was based on the sale of the appellant's comparable #1 plus an amount for the subject's larger lot and combined garage size.

On cross-examination, Dowthard asked what knowledge Crosby had of the sale of the appellant's comparable #1 and the condition of that property at the time of sale. Crosby said that he had not been inside the appellant's comparable #1 and was not familiar with its condition or amenities. Crosby asserted that he was aware the property sold through a realtor and that its assessment was reduced after the sale.

The ALJ asked Crosby to clarify his knowledge of the subject and the neighborhood. Crosby testified that he had lived in the subject's neighborhood for 35 years, had been inside the subject home, and was familiar with the houses in the neighborhood. Crosby clarified that he had not been inside the appellant's comparable #1 around the time it was sold, but that he had been inside that property since that sale.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$30,259 which would reflect a market value of \$90,786 or \$43.56 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 \$41,663. The subject's assessment reflects a market value of \$124,964 or \$59.96 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.

² The appellant's grid analysis shows this property sold for \$82,000.

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 three comparable sales,³ a map depicting the locations of the board of review’s comparables in relation to the subject, the subject’s property record card, and a document containing a recommendation from the township assessor to sustain the subject’s assessment asserting “[t]he subject has some amenities most of the comparables do not have such as: 3 and ½ baths, 2 fireplaces, 2 two car garages, and a double lot.”

The three comparable sales presented in the board of review’s grid analysis, identified as comparables #1, #3, and #4, are located within the same assessment neighborhood code as the subject property. The parcels have either 3,500 or 7,500 square feet of land area and are improved with two-story homes of aluminum/vinyl siding, frame, or stucco exterior construction ranging in size from 1,696 to 2,054 square feet of living area. The dwellings were built from 1930 to 1950. Each home has a basement, one of which has finished area, central air conditioning, 1.5 to 2 bathrooms, and a garage ranging in size from 288 to 480 square feet of building area. Two of the homes each have one fireplace. The comparables sold from February to July 2017 for prices ranging from \$102,000 to \$114,500 or from \$54.84 to \$64.86 per square foot of living area, including land.

At hearing, Dowthard testified that the northwest side of Rockford has nice homes, as the appellant acknowledged. Dowthard stated that crime exists everywhere and has no bearing on the assessment of a property.

Dowthard further testified that the board of review’s comparables are all in the subject’s neighborhood. Dowthard asserted that the subject has more amenities than the parties’ comparables, such as the subject’s 3.5 bathrooms, 2 fireplaces, 2 garages, finished basement area, and a double lot. Dowthard contended that the subject’s slightly higher assessment than the board of review’s comparables on a per square foot basis is supported by the subject’s greater amenities when compared to these comparables.

The board of review called Layng as a witness. Layng testified that a property’s assessment is not based on a single sale. Layng explained that the subject’s assessment is based on sales of Colonial-style homes in the subject’s neighborhood and that the subject is assessed higher because it has more amenities than these other properties, including a double lot and much larger combined garage size.

The ALJ asked Layng to clarify how a land assessment is calculated. Layng responded that land assessments are based on front footage so a lot with more front footage will be assessed higher. Layng contended that the subject, as a double lot, has more front footage and is assessed higher. Layng was not aware of any sales of lots to support the subject’s land assessment given that there have been few sales of vacant lots in the subject’s neighborhood.

³ Sales data was provided for three of the four comparables shown in the board of review’s grid analysis.

Dowthard asked Layng to clarify how the subject's improvements were valued. Layng responded that square footage, including the subject's combined garage square footage, condition, and age were considered in valuing the subject's improvements.

On cross-examination, the appellant asked whether the subject's larger lot justifies a \$40,000 difference in market value between the subject and the appellant's comparable #1. Layng reiterated that the subject's assessment is not based solely on the sale of one property, such as the appellant's comparable #1. Layng stated again that the subject is valued based on sales of Colonial-style homes in the subject's neighborhood and that the subject has more amenities than these properties, including a double lot.

The ALJ asked the appellant whether he believed that one sale makes a market. The appellant responded that he had worked as a realtor and acknowledged that one sale was not a market.

The appellant asked Layng to confirm a reduction in the assessment of appellant's comparable #1 following its sale. Layng confirmed that the assessment of that property was reduced after its sale to reflect its sale price.

Dowthard further testified that the appellant's comparable #1 was on the market for 170 days before it sold and needed major exterior painting work at the time it was being marketed for sale. Dowthard stated the property had been listed for \$90,000 but did not sell for that much. Dowthard contended that no house is exactly the same as another; even though they may have the same layout, the condition of similar properties will differ.

The appellant asked Dowthard what the cost of the painting work for the appellant's comparable #1 would be. Dowthard responded by asking the appellant whether he would sell the subject for the market value being sought in this appeal. The appellant stated that such a price would have been reasonable as of the assessment date.

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

In rebuttal, the appellant acknowledged that the appellant's comparable #1 needed painting at the time it was on the market⁴ but argued that the cost of painting could not justify a difference in the market values of the subject and the appellant's comparable #1 as reflected in their assessments.

In sur-rebuttal, Dowthard stated that the subject's assessment is not based on one sale, such as the appellant's comparable #1. Dowthard pointed out that the need for exterior painting likely resulted in a lower sale price for the appellant's comparable #1.

The appellant asserted in closing argument that a \$40,000 difference in market values of the subject and the appellant's comparable #1 was not justified. The appellant contended that the fact that the appellant's comparable #1, a home with 3.5 bathrooms like the subject, was on the market for 170 days is indicative of the market for homes at that time.

⁴ The Board notes that the appellant's grid analysis describes the appellant's comparable #1 with aluminum/vinyl siding, which was refuted by the testimony of both parties. The Board finds that the appellant's comparable #1 has frame exterior construction.

Dowthard asserted in closing argument that the evidence supports the subject's assessment given the subject's greater amenities, including two fireplaces, a double lot, and finished basement area, compared to other homes in the subject's neighborhood.

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.

During the hearing, the appellant contended that the subject should be assessed similarly to the appellant's comparable #1 based on its November 2017 sale plus an amount to account for the market value of the subject's double lot and larger combined garage size. In contrast, the board of review's witnesses explained that the subject was assessed based on sales of similar homes in the subject's neighborhood, taking into account front footage of the subject's double lot, square footage of the subject's improvements including its garages, condition, and age, and these witnesses emphasized that a property is not assessed based on one sale. Upon questioning, the appellant acknowledged that one sale does not make a market. Accordingly, the Board will consider all of the comparable sales presented by the parties.

The record contains a total of seven comparable sales for the Board's consideration. The Board gives less weight to the appellant's comparable #2 which sold approximately 29 months prior to the assessment date of January 1, 2018. The Board gives less weight to the appellant's comparable #3, which is a significantly older home than the subject, and the board of review's comparable #4, which is a substantially smaller home than the subject.

The Board finds the best evidence of market value to be the appellant's comparables #1 and #4 and the board of review's comparables #1 and #3, which are similar to the subject in dwelling size and location but have varying degrees of similarity to the subject in age and other amenities. All of these comparables have significantly smaller lots than the subject and are older homes than the subject. Two of these comparables lack finished basement area and one comparable lacks central air conditioning, both of which are features of the subject. The subject has the largest combined garage size of all of these comparables.

The subject has more bathrooms, more fireplaces, and more garages than all of these comparables, except for the appellant's comparable #1 which has the same number of bathrooms, fireplaces, and garages as the subject. Much of the testimony during the hearing related to the appellant's comparable #1, which the appellant asserted was "the exact same house" as the subject. However, the board of review raised an issue regarding the condition of this property compared to the subject. Dowthard testified that this property needed major painting work at the time it sold, which the appellant acknowledged, although the parties disagreed on the impact of this deficiency on the sale price.

These most similar comparables sold from February to November 2017 for prices ranging from \$78,000 to \$114,500 or from \$37.48 to \$55.74 per square foot of living area, including land. The subject's assessment reflects a market value of \$124,964 or \$59.96 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. However, the Board finds the subject's assessment is justified given the subject's newer age, larger lot size, larger combined garage size compared to these comparables and the subject's amenities, many of which are superior to these comparables. 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.

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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