

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Marvin and Krimhilde Berg
DOCKET NO.: 06-00121.001-R-1
PARCEL NO.: 12-15-480-007

The parties of record before the Property Tax Appeal Board are Marvin and Krimhilde Berg, the appellants, and the Winnebago County Board of Review.

The subject property consists of a two-story dwelling of frame construction built in 1987 containing 2,132 square feet of living area with a full, unfinished basement, central air-conditioning, a fireplace, deck, porch and a 528 square foot garage. The subject improvement is situated on a 13,600 square foot site located in Rockford Township, Winnebago County.

Marvin Berg, co-appellant, appeared on behalf of the appellants before the Property Tax Appeal Board contending the market value of the subject property is not accurately reflected in its assessed valuation. At the outset of the hearing the board of review objected to co-appellant Marvin Berg appearing on behalf of his wife, co-appellant and owner, Krimhilde Berg. The Board finds co-appellant Marvin Berg, who lives in the subject, has a financial interest in the subject property and has standing to pursue this appeal, therefore, the board of review's motion to dismiss is denied.

In support of the overvaluation argument, the appellants submitted a grid analysis of three comparable sales located in close proximity to the subject. The comparables were two-story frame dwellings that were built in either 1987 or 1995. The comparables had full basements with at least one having some finished basement area. Features of the comparables include central air-conditioning, a fireplace and garages ranging from 456 to 616 square feet of building area. The comparables ranged in size from 2,016 to 2,174 square feet of living area and were situated on sites ranging from 10,800 to 14,520 square feet of land area. Two of the comparables had sold in April 2003 and October 2003 for \$148,000 and \$148,500, or \$68.08 and \$73.66 per square foot of living area, including land, respectively. Comparable #1 was depicted as being listed for sale at \$169,900. The appellants submitted the final decision issued by the

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Based on the facts and exhibits presented, 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:	\$	8,726
IMPR.:	\$	49,289
TOTAL:	\$	58,015

Subject only to the State multiplier as applicable.

Winnebago County Board of Review establishing a total assessment for the subject of \$58,015, which reflects a market value of approximately \$173,698 or \$81.47 per square foot of living area including land, using the 2006 three-year median level of assessments for Winnebago County of 33.40% as determined by the Illinois Department of Revenue. Based on this evidence the appellants requested the subject's total assessment be reduced to \$50,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$58,015 was disclosed. In support of the assessment, the board of review submitted a letter from the Deputy Assessor, a grid analysis and property record cards detailing four suggested comparable sales. The comparables were two-story frame dwellings built from 1987 to 1994. Features of each comparable include central air-conditioning, a fireplace and garages ranging from 456 to 780 square feet of building area. The properties were located in close proximity to the subject. The homes ranged in size from 2,016 to 2,418 square feet of living area and were situated on sites ranging from 13,600 to 35,235 square feet of land area. The comparables had full basements with one comparable having some finished area. The homes sold from April 2003 to April 2006 for prices ranging from \$148,500 to \$190,000 or from \$73.66 to \$88.85 per square foot of living area, including land.

In addition, the board of review argued that the appellant's comparable sale #2 was not an open arm's-length transaction because the property was not advertised for sale. In support of this argument, the board of review submitted a real estate transfer declaration sheet evidencing the sale, which depicts the property as not being advertised for sale. Based on this evidence, the board of review requested confirmation of its assessment.

In rebuttal, the appellants argued that the board of review's comparable #1 was a guaranteed sale between the homeowner and a real estate firm, and therefore, was not an open arm's-length transaction, and in fact sold in 2007 for an amount below the \$180,000 purchase price in 2006. No further evidence was presented in support of these arguments. The Deputy Township Assessor, Cindy Onley, testified on cross-examination that upon review of the real estate transfer declaration sheet for its comparable sale #1, nothing was depicted to indicate that this sale was not an open arm's-length transaction.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellants have not met this burden of proof and a reduction in the subject's assessment is not warranted.

Two of the appellants' comparables were the same properties used by the board of review. A total of five comparable properties were submitted by both parties. The Board gave little weight to the appellants' comparable #2 because the record depicts this property was not advertised for sale on the open market as evidence by the transfer declaration sheet submitted into evidence. In order for the sales price of property to be used to establish the fair cash value for assessment purposes, the transaction must be arm's length in nature. One of the elements of an arm's length transaction requires a reasonable time being allowed for exposure on the open market. Property Assessment Valuation, 2nd ed., International Association of Assessment Officers, 1996, pp. 18-19. In addition, the Board gave little weight to the board of review's comparable #2 because this property is dissimilar to the subject in condition and basement finish.

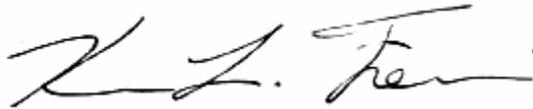
The Board finds the remaining comparables, (board of review #1, #3 and #4, and appellants #1 and #3), were most similar to the subject property in design, location, age, condition, exterior construction, size and most other features. Therefore, these properties were given greater weight in the Board's analysis. These most similar comparables sold from April 2003 to April 2006 for prices ranging from \$73.66 to \$88.85 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$81.47 per square foot of living area including land, which falls within the per square foot market value range established by the comparable sales contained in this record. Based on this analysis, the Board finds the subject's estimated market value as reflected by its assessment is not excessive.

In conclusion, the Board finds the appellants have not demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and a reduction is not warranted.

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.



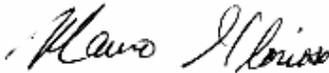
Chairman



Member



Member



Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

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: January 23, 2009



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 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 the subsequent year 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.

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.