

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Mahendra B. Parekh  
DOCKET NO.: 06-00278.001-R-1  
PARCEL NO.: 12-10-230-010

The parties of record before the Property Tax Appeal Board are Mahendra B. Parekh, the appellant; and the Winnebago County Board of Review.

The subject property is described as an approximately 17,000 square foot site improved with a two-story style frame dwelling with brick trim containing 2,731 square feet of living area that was built in 1989. Features include two full baths with one half-bath, a full unfinished basement, central air conditioning, a fireplace and a 961 square foot attached garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of these claims, the appellant submitted a grid analysis detailing five comparable properties, parcel information sheets and maps. The comparables are located within 10 blocks of the subject. They consisted of two-story frame dwellings built from 1985 to 1995. The homes had central air conditioning, a fireplace and bathrooms ranging from two full baths with one half-bath to two full baths with two half-baths. The homes had full basements, with at least one home having some finished area. Detailed information regarding the basement area for four of the comparables was not disclosed. The comparables contained either a two or three-car garage. One of the comparables featured an in-ground swimming pool. The homes ranged in size from 2,616 to 3,558 square feet of living area. The homes had improvement assessments ranging from \$62,436 to \$83,100 or from \$22.31 to \$24.37 per square foot of living area. The subject property has an improvement assessment of \$72,433 or \$26.52 per square foot of living area.

Four of the comparables were situated on lots ranging from approximately 18,000 to 54,890 square feet with land assessments ranging from \$11,423 to \$13,777. The subject's land assessment is \$13,777. Sales information regarding two of the homes depicts the two homes sold in either April or October 2005 for prices of

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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:	\$	13,777
IMPR.:	\$	72,433
TOTAL:	\$	86,210

Subject only to the State multiplier as applicable.

\$237,000 or \$290,000, or for a price of \$81.51 and \$84.34 per square foot of living area, respectively, including land.

The appellant argued that the comparable properties contained more land area than the subject, however, the subject's land assessment was higher based on a per square foot measurement. Further, the appellant argued that the subject incurred a substantial increase of 17.6% in its assessed value from 2005 to 2006. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$86,206 was disclosed. In support of the subject's assessment, the board of review submitted written argument, photographs, an equity grid analysis and a sales grid analysis. The equity comparables consisted of seven suggested comparable properties. The equity comparables are located within one block of the subject in the same subdivision as the subject. The comparables were two-story frame or frame with brick trim dwellings that ranged in age from 14 to 17 years old. They had central air conditioning, at least one fireplace and full or partial basements with five of the homes having some finished area. The homes had from two full baths with one-half bath to four full baths and garages ranging from 697 to 896 square feet of building area. The comparables ranged in size from 2,524 to 3,558 square feet of living area and had improvement assessments ranging from \$67,457 to \$89,644 or from \$23.36 to \$28.48 per square foot of living area.

The comparables each had a land assessment of \$13,773. Information regarding the size of lots was not disclosed. The testimony indicated the subject's neighborhood was assessed based on a site value method.

The board of review also submitted a sales grid analysis detailing three suggested comparable sales. These comparables consisted of two-story frame dwellings located within the subject's neighborhood that were built from 1989 to 1992. Each comparable contained at least one fireplace, central air-conditioning, full basements and garages ranging from 772 to 894 square feet of building area. Two of the comparables had some finished basement area. These homes sold from February 2003 to July 2005 for prices ranging from \$290,000 to \$352,000 or from \$81.51 to \$109.59 per square foot of living area, including land. The subject's total assessment of \$86,206 reflects an estimated market value of approximately \$258,102 or \$94.51 per square foot of living area, including land, using the 2006 three year median level of assessments of 33.40% for Winnebago County as determined by the Illinois Department of Revenue. Based on this evidence, the board of review requested confirmation of its assessment.

After hearing the testimony and considering the evidence the Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant argued overvaluation as one basis of the appeal. 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.2<sup>nd</sup> 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the appellant has not met this burden of proof on this basis.

The Board finds the appellant submitted two recent sale comparables that occurred in April and October 2005. The Board gave little weight to the board of review's sales comparables numbers two and three because these properties were not similar to the subject in basement area and/or size. In addition, the Property Tax Appeal Board finds that a sale occurring in 2003 does not provide sufficient evidence of the subject's estimated market value in 2006. The appellant's sale comparables were the same properties used in his equity argument. The Board gave these sales little weight because of their differences in basement area, size and/or additional amenities when compared to the subject. The Board finds the board of review's sale comparable one was the most similar sale contained in this record. This property sold in July 2005 for \$102.70 per square foot of living area, including land. The subject's total assessment reflects an estimated market value of approximately \$94.51 per square foot of living area, including land, which is below this most similar sales comparable. The appellant has failed to establish overvaluation by a preponderance of the evidence contained in this appeal and no reduction is warranted on this basis.

The appellant also contended assessment inequity as another basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden and a reduction is not warranted on this basis.

The Board finds the parties submitted a total of ten equity assessment comparables for consideration. Two of the comparables submitted by the appellant were also used as equity comparables by the board of review. The Board placed less weight on the appellant's comparables number four and five because of their dissimilar basement area, additional amenities and/or age when compared to the subject. In addition, the Board gave less weight to the board of review's comparables numbers three, four, six and seven because of their dissimilar basement area and/or size when compared to the subject. The Board finds the appellant's comparables one through four and the board of review's comparables one, two and five were most similar to the subject in size, age, exterior construction, basement area and most other features. Based on these similarities, the Property Tax Appeal board gave these most similar comparables greater weight in its

analysis. The evidence submitted indicates these properties have improvement assessments ranging from \$23.78 to \$26.29 per square foot of living area. The subject's improvement assessment of \$26.52 is slightly above this range. However, the Property Tax Appeal Board finds the board of review's comparable five is the most similar comparable in this record. The Property Tax Appeal Board recognizes this property has an additional 117 square feet of living area and a partially finished basement when compared to the subject, however, the subject contains a garage that has an additional 192 square feet of building area and a 144 square foot enclosed frame porch. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment of \$26.52 per square foot of living area is within the range established by the most similar comparables contained in this record. Therefore, the Board finds the subject's improvement assessment is supported and a reduction in the subject's improvement assessment is not warranted on this basis.

The evidence disclosed the subject's neighborhood is assessed using a site value method. The Deputy Township Assessor of Rockford testified that the land assessments were based on sales ratio studies and applied accordingly. The site method of valuation is used when the market does not indicate a significant difference in lot value even when there is a difference in lot sizes. Property Assessment Valuation, 75, International Association of Assessing Officers 2<sup>nd</sup> ed. 1996. The Board finds the appellant offered no market evidence to suggest the site method of valuation was not reasonable or appropriate. Based on this analysis, the Board finds the appellant has not demonstrated that the subject's land was inequitably assessed by clear and convincing evidence.

The appellant attempted to demonstrate the subject's assessment was inequitable and not reflective of market value because of the percentage increase in its assessment from year to year. The Board finds these types of analyses are not an accurate measurement or a persuasive indicator to demonstrate an assessment inequity by clear and convincing evidence or overvaluation by a preponderance of the evidence. The Board finds rising or falling assessments or sale prices from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed or overvalued. Actual assessments and sale prices of properties together with their salient characteristics must be compared and analyzed to determine whether uniformity of assessments exists or if a particular property is overvalued. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior assessments.

Based on this analysis, the Property Tax Appeal Board finds the appellant failed to prove overvaluation by a preponderance of the evidence. Further, the appellant has not demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence based on the evidence presented and a reduction in the subject's assessment 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.



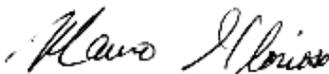
Chairman



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: March 20, 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.