FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: J & K Property Management LLC
DOCKET NO.: 08-00202.001-R-1
PARCEL NO.: 12-17-127-013

The parties of record before the Property Tax Appeal Board are J & K Property Management LLC, the appellant, by attorney Ray A. Ferguson, of Ray A. Ferguson & Associates, LLP in Rockford, and the Winnebago County Board of Review.

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:	$25,773
IMPR.:	$24,227
TOTAL:	$50,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject 1.41-acre parcel is improved with a one-story single-family brick dwelling that is 59 years old. The home contains 1,588 square feet of living area and features a partial basement, central air conditioning, two fireplaces, and an attached two-car garage. The home also features a 1,281 square foot deck around the side and back. The property is located in Rockford, Rockford Township, Winnebago County.

The appellant appeared through counsel before the Property Tax Appeal Board contending overvaluation based on a recent sale of the subject property. In support of this argument, the appellant indicated on the appeal form that the subject property was purchased in October 2006 for a price of $85,000. The appellant indicated the subject property was sold through a Realtor from Best Realty, the property was advertised on the open market through the Multiple Listing Service for 22 days and the sale occurred as a consequence of a foreclosure action. The appellant also reported $3,500 was expended for renovations before the property was occupied in May 2007. The appellant also submitted a copy of the Settlement Statement with a closing date of October

26, 2006 and disclosing a sales price of $85,000 or $53.53 per square foot of living area including land.

At hearing, Kyle Johnson, Managing Member of J & K Property Management testified that the subject property is on a corner of two very busy streets. The dwelling did need some repairs due to some flooding in the basement and some cosmetic repairs including carpet, paint and some exterior work. Johnson contends that while some repairs have been made, those repairs did not raise the value of the property to $150,000 as set forth in the 2008 assessment.

Based on this evidence the appellant requested the subject's assessment be reduced to $28,050 or a market value of approximately $84,150.

On cross-examination, Johnson acknowledged that most of the basement was gutted including removal of drywall that had been flooded.

On questioning by the Hearing Officer, Johnson testified that the amount expended in renovations of the subject property probably exceeded the $3,500 reported on page two of the Residential Appeal petition, but he could not recall specifically what amount was expended.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling $50,000 was disclosed. The subject's assessment reflects a market value of approximately $149,790 or $94.33 per square foot of living area including land when applying the 2008 three year median level of assessments for Winnebago County of 33.38%.

The board of review submitted a memorandum and a two-page letter from the Rockford Township Assessor along with additional documentation. In the memorandum, the assessor reported the subject's October 2006 purchase for $85,000 was "as a foreclosure." The assessment of the subject property was reduced for 2006 to the purchase price by the board of review and remained the same for 2007. In reducing the assessment, the board of review applied a code that suggests the property was "incomplete" due to conditional issues. This coding allowed the assessor to review the property thereafter.

The assessor further contends that from the time of purchase until January 1, 2008, the home was completely remodeled with no building permits issued. In 2008 the township assessor revalued the property and the board of review, in response to the 2008 appeal, removed the equalization factor to retain the assessor's market value of $150,000. The assessor further reported the land has a -15% influence factor due to some flooding in the back yard. The assessor concluded that the appellant's request based on the 2006 purchase price is "an unfair request due to the type of sale and the remodeling that was done after the purchase."

In support of the subject's estimated market value, the board of review presented a grid analysis of four comparable properties said to be located within a mile of the subject. The comparables are each located in the subject's subdivision and have parcels ranging in size from .40 to 1.08-acres of land area. Each is improved with a one-story brick dwelling ranging in age from 49 to 53 years old. The comparables range in size from 1,372 to 1,825 square feet of living area. Each features a basement, two of which include finished recreation rooms. The homes have central air conditioning, two fireplaces and a two-car garage ranging in size from 440 to 540 square feet of building area. The sales occurred between November 2005 and June 2008 for prices ranging from $162,500 to $170,500 or from $90.41 and $118.44 per square foot of living area including land.

A second grid analysis consists of three equity comparables. The Property Tax Appeal Board finds that submission of equity comparables in response to the appellant's market value argument is not responsive and the board of review's additional equity comparables will not be further addressed herein.

Based on the foregoing data, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

On cross-examination, township assessor Cindy Onley testified that board of review comparable #1 has been subjected to flooding, like the subject, in the past. The flooding occurred in both 2006 and 2007.

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

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. 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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.65(c). The Board finds the appellant has not met this burden.

The appellant contends the subject's assessment should be reduced based on the sale of the subject in October 2006 for a price of $85,000. The board of review's responsive evidence contested the consideration of a sale due to the extensive remodeling that has occurred since the purchase and noted that four sales support a

higher estimated market value for the subject than the sale price.

The Board finds that board of review sales #2 and #4 which occurred most proximate in time to the assessment date of January 1, 2008 and support the estimated market value of the subject property of $149,790 or $94.33 per square foot of living area including land. These two properties were similar to the subject in age, size, foundation and features. The properties sold in June 2007 and June 2008 for prices of $165,000 and $170,500 or for $90.41 and $100.41 per square foot of living area including land. The subject's estimated market value based on its assessment of $149,790 or $94.33 per square foot of living area including land falls within the range of these two most recent sales on a per-square-foot basis. After considering the most recent comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's 2008 assessment to be excessive in relation to its 2008 market value and a reduction in the subject's assessment is not warranted on this record.

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: October 21, 2011

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.