FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Rockford Development Group LLC
DOCKET NO.: 08-00205.001-R-1
PARCEL NO.: 11-24-307-002

The parties of record before the Property Tax Appeal Board are Rockford Development Group 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:	$4,018
IMPR.:	$15,456
TOTAL:	$19,474

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 90-year old, one-story frame bungalow dwelling containing 861 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, and a 160 square foot garage. The property consists of a 5,750 square foot site located in Rockford, Rockford Township, Winnebago County.

The appellant appeared before the Property Tax Appeal Board through legal counsel[1] contending overvaluation of the subject property. In support of this market value argument, the appellant submitted information on four sales comparables located within 8/10 of a mile of the subject. Kyle Johnson, Managing Member of Rockford Development Group, LLC testified that these comparables were drawn from the Multiple Listing Service (MLS)

[1] When witnesses were sworn, counsel took an oath. Pursuant to Section 1910.70(f) of the Official Rules of the Property Tax Appeal Board, "[a]n attorney shall avoid appearing before the Board on behalf of his or her client in the capacity of both an advocate and a witness. . . . Except when essential to the ends of justice, an attorney shall avoid testifying before the Board on behalf of a client." (86 Ill.Admin.Code §1910.70(f))

area of the subject, not the assessor assigned neighborhood code. As to the subject, Johnson testified the dwelling for a rental was in fair condition. The comparable parcels range in size from 2,900 to 8,800 square feet of land area and each is improved with either a one-story or a one and one-half-story frame dwelling that range in age from 56 to 103 years old. The comparables range in size from 720 to 1,551 square feet of living area. Each comparable has a full or partial unfinished basement and two comparables have a garage. The sales occurred from January 2005 to December 2007 for prices ranging from $32,000 to $37,500 or from $20.63 to $47.83 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment to $10,608 or a market value of approximately $31,824.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $19,474 was disclosed. The subject's assessment reflects an estimated market value of $58,340 or $67.76 per square foot of living area including land using the 2008 three-year median level of assessments for Winnebago County of 33.38%.

In response to the appellant's evidence, in a memorandum from the Rockford Township Assessor, it was noted that appellant's comparable #1 actually has a concrete slab foundation, not a full unfinished basement. The assessor also reported that appellant's comparable #3 had a "complete remodeling" following the November 2006 purchase which appellant reported; this property re-sold in May 2007 for $67,000 according to the assessor. Moreover, at hearing, the board of review representative noted that two of appellant's comparables were substantially larger than the subject dwelling. In addition, he asserted that appellant's comparable #1 was located in a floodplain.

In support of the subject's estimated market value, the board of review presented descriptions and sales data on three comparable properties located within one block of the subject property. The comparable parcels range in size from 2,820 to 6,480 square feet of land area and each is improved with a one-story or one and one-half-story bungalow dwelling, one of which also includes an unfinished attic. The dwellings are either 78 or 83 years old. The dwellings range in size from 768 to 935 square feet of living area. Each dwelling has a full or partial basement, one of which is partially finished. Two comparables also have a garage. These comparables sold between May 2005 and February 2008 for prices ranging from $60,000 to $68,900 or from $68.13 to $82.32 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, Johnson pointed out that, but for appellant's comparable #3, the size differences between the subject and the remaining three comparables were no more than 17% different.

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 this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

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). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of seven comparable sales for the Board's consideration. The Board has given less weight to appellant's comparables #1 and #3. The foundation for comparable #1 differed from the subject's and comparable #3 was substantially larger than the subject dwelling making it dissimilar for comparison purposes. The Board finds the remaining five comparables submitted by both parties were most similar to the subject in size, design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between January 2005 and February 2008 for prices ranging from $35.54 to $82.32 per square foot of living area including land. The subject's assessment reflects a market value of approximately $58,340 or $67.76 per square foot of living area including land which falls within the range established by the most similar comparables on a per square foot basis. After considering the most comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its 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.