



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

APPELLANT: James Callahan
DOCKET NO.: 08-00428.001-R-1
PARCEL NO.: 11-35-233-003

The parties of record before the Property Tax Appeal Board are James Callahan, the appellant, 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: \$2,239
IMPR.: \$22,839
TOTAL: \$25,188

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story multi-family dwelling with approximately 2,252 square feet of living area. The subject has a stucco exterior, two apartment units and a full unfinished basement. The property also has a detached garage with 480 square feet. The dwelling was constructed in 1905 and is approximately 103 years old. The subject property is located in Rockford, Rockford Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Robert L. Zahn, an Illinois Certified Appraiser. The appellant's appraiser developed the sales comparison approach to estimate the subject had a market value of \$19,000 as of November 25, 2008. The appraisal contained three comparable sales located in Rockford that were improved with two-story multi-family dwellings that range in size from 1,491 to 2,864 square feet of living area. Each comparable has two apartments and a full unfinished basement. One comparable has a one-car garage and one comparable has two fireplaces. The comparables ranged in age from 95 to 108 years. These properties sold from December 2007 to October 2008 for prices ranging from \$16,000 to \$23,500 or from \$6.25 to \$12.34 per square foot of living area, including land. The report indicated that comparable #1 had previously sold in April 2007 for a price of \$53,226 and comparable #2 had

previously sold in February 2005 for a price of \$67,900. After making adjustments to the comparables for differences from the subject the appraiser was of the opinion the comparables had adjusted sales prices ranging from \$11,800 to \$20,700. Using this data the appraiser estimated the subject had a market value of \$19,000 as of November 25, 2008. Based on this evidence the appellant requested the subject's assessment be reduced to \$6,333 to reflect the appraised value.

The appellant also submitted an Addendum indicating the subject's pipes froze during the winter of 2008/2009 and it would cost in excess of \$10,000 to make repairs. The appellant also submitted three additional sales. The appellant provided no analysis using these sales.

The board of review (BOR) submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$25,188 was disclosed. The subject's assessment reflects a market value of \$75,458 or \$33.51 per square foot of living area, land included, using the 2008 three year average median level of assessments for Winnebago County of 33.38%.

In support of its contention of the correct assessment the BOR submitted evidence prepared by the Rockford Township Assessor's Office. In rebuttal, the assessor asserted that each of the appellant's comparable sales is a compulsory sale. The assessor's office also provided information on three comparable sales improved with two-story multi-family dwellings that ranged in size from 2,085 to 2,295 square feet of living area. Each comparable has two units and a basement. Two comparables have central air conditioning and each property has a garage ranging in size from 400 to 720 square feet of building area. The dwellings were constructed in 1900 or 1910. These sales were located from 3 to 6 blocks from the subject. The sales occurred from January 2007 to August 2008 for prices ranging from \$71,000 to \$92,000 or from \$34.05 to \$40.09 per square foot of living area. The assessor's evidence also indicated these same comparables have improvement assessments ranging from \$9.67 to \$10.80 per square foot of living area while the subject has an improvement assessment of \$10.19 per square foot of living area. Based on this evidence, the board of review request confirmation of the subject's assessment.

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

The appellant contends overvaluation as the basis of the appeal. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33⅓% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be

sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). Proof of market value may consist of an appraisal or comparable sales. (86 Ill.Admin.Code 1910.65(c)). 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 sales provided by the board of review demonstrate a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal estimating the subject had a market value of \$19,000 as of November 25, 2008. The Board gives this appraisal and the sales no weight. The township assessor provided a statement that the appellant's sales were compulsory sales, which was not refuted by the appellant. The conclusion that these sales are compulsory sales not reflective of market value is supported by statements in the appraisal that comparable #1 had previously sold in April 2007 for a price of \$53,226 and comparable #2 had previously sold in February 2005 for a price of \$67,900. The appellant also provided a statement that the subject's pipes froze during the winter of 2008/2009. The Board gives this evidence no weight due to the fact this event occurred subsequent to the January 1, 2008 assessment date at issue. The appellant also provided sales data on three additional comparables. The Board gives this evidence no weight as there was no analysis of the data nor was there sufficient information for the Board to determine the comparability of these properties to the subject.

The Board finds the sales used by the board of review were more indicative of fair cash value. The comparables were similar to the subject in location, style, age, size and features. The transactions occurred from January 2007 to August 2008 for prices ranging from \$71,000 to \$92,000 or from \$34.05 to \$40.09 per square foot of living area, land included. The appellant submitted no evidence refuting the arm's length nature of the sales. The subject's assessment reflects a market value of \$75,458 or \$33.51 per square foot of living area, land included, which is below the range established by these comparables on a square foot basis. Based on this evidence the Board finds the subject's assessment is reflective of the property's market value as of as of January 1, 2008.

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.

Ronald R. Guit

Chairman

K. L. Fern

Member

Member

Mario Morris

William R. Lerbis

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: April 22, 2011

Allen Castrovillari

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.