



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

APPELLANT: Northern Illinois Sales, LLC
DOCKET NO.: 11-00128.001-R-1
PARCEL NO.: 07-25-330-013

The parties of record before the Property Tax Appeal Board are Northern Illinois Sales, LLC, the appellant, by attorney Ray A. Ferguson of Ray A. Ferguson & Associates, Ltd., 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: \$2,867
IMPR.: \$7,708
TOTAL: \$10,575

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Winnebago County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a one-story dwelling of frame construction with 606 square feet of living area. The dwelling was constructed in 1960. Features of the home include a crawl-space foundation and an attached one-car garage of 346 square feet of building area. The property has a 9,000 square foot site and is located in Machesney Park, Harlem Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on six comparable sales in a three-page grid analysis along with

Multiple Listing Service printouts for each of the properties. Based on this evidence, the appellant requested a total assessment of \$4,796 which would reflect a market value of approximately \$14,388 or \$23.74 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,575. The subject's assessment reflects a market value of \$32,261 or \$53.24 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Winnebago County of 32.78% as determined by the Illinois Department of Revenue.

As to the appellant's comparable sales, the Harlem Township Assessor contended in a letter that sales #1, #2 and #6 are in a different "market neighborhood"; sale #2 was not listed on the open market prior to its sale; sales #3, #4 and #6 were sold by financial institutions; and sale #5 was sold by H.U.D.

In support of its contention of the correct assessment the board of review submitted information in a two-page grid analysis on six comparable sales. Based on this evidence, the board of review requested confirmation of the subject's assessment.

With the appellant's original appeal petition, the appellant also included Multiple Listing Service printouts concerning board of review comparable sales #4 and #6 where sale #4 was depicted as selling in 2009 for \$51,894 in "as-is" condition and was re-sold in 2010 as reported by the board of review for about \$80,000 with various updates to the property which was now described as "cute & clean cream puff."

Conclusion of Law

The appellant contends 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. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Based on the assertions of the Harlem Township Assessor with regard to the appellant's suggested comparable sales, it is important to note that Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the

mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to assessment date at issue, January 1, 2011.

The parties submitted a total of twelve sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's sales #1, #2 and #6 due to their more distant locations from the subject property ranging from .9 of a mile to 1-mile from the subject. The Board has also given reduced weight to board of review comparables #2, #3, #4, #5 and #6 due to differences in age, dwelling size and/or basement/basement finish when compared to the subject dwelling that was built in 1960, contains 606 square feet of living area and has a crawl-space foundation.

The Board finds the best evidence of market value to be appellant's comparable sales #3, #4 and #5 along with board of review comparable sale #1. These four most similar comparables sold between December 2010 and January 2012 for prices ranging from \$21,900 to \$49,200 or from \$23.34 to \$52.56 per square foot of living area, including land. The subject's assessment reflects a market value of \$32,261 or \$53.24 per square foot of living area, including land, which is within the range established by the best comparable sales in this record in terms of overall value and slightly higher than the highest sale price on a per-square-foot basis which is logical given the subject's small dwelling size. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. Furthermore, there was no submission by the appellant to explain why board of review comparable #1 was dissimilar to the subject dwelling. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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.

Donald R. Cuit

Chairman

K. L. Ferr

Member

Member

Marko M. Louie

Member

[Signature]

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 24, 2014

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.