



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

APPELLANT: James Blaser/JMB Trust 97-1
DOCKET NO.: 11-00548.001-R-1
PARCEL NO.: 16-08-153-024

The parties of record before the Property Tax Appeal Board are James Blaser/JMB Trust 97-1, the appellant, and the Winnebago County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$8,593
IMPR.: \$23,527
TOTAL: \$32,120

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a multi-level dwelling¹ of frame construction containing 1,380 square feet of living area. The dwelling was constructed in 1999. Features of the home include a partial unfinished basement, central air conditioning and a three-car garage of 640 square feet of building area. The property has a .17-acre site and is located in Rockford, Cherry Valley Township, Winnebago County.

The appellant's appeal is based on overvaluation. As part of the appeal, the appellant contended that since the subject property was purchased in April 2008, area home values have consistently declined as depicted in the Section V grid analysis of comparable sales. In further support of this argument, the appellant submitted information on four comparable sales located within two blocks of the subject property. The comparables are described as a one-story, two, two-story and a tri-level dwelling of frame or frame and masonry construction that range in size from 1,272 to 1,680 square feet of living area. The dwellings range in age

¹ The appellant described the subject as a two-story and similarly described his comparables #1 and #2 whereas the assessing officials described all three of these properties as "multi-level." Although the board of review failed to provide the property record card of the subject property with its evidence as required by the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.40(a)), for ease of reference the Board has accepted the "multi-level" description for purposes of this appeal.

from 3 to 14 years old. Three of the comparables have a partial basement, two of which include finished area. Each home has central air conditioning and a two-car to a three-car garage. The comparables have sites ranging in size from .17 to .38-acre of land area. The comparables sold from September 2010 to October 2011 for prices ranging from \$69,000 to \$104,900 or from \$50.00 to \$68.00 per square foot of living area, including land. The appellant further reported that the average sale price per square foot of these comparables was \$59.00.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$28,013 which would reflect a market value of approximately \$84,039 or \$60.90 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$38,483 was disclosed. The subject's assessment reflects a market value of \$117,398 or \$85.07 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for Winnebago County of 32.78% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review presented information from the Cherry Valley Township Assessor's Office. The assessor criticized the appellant's comparable #3 as a dissimilar one-story home when compared to the subject multi-level home. Additionally, the assessor noted the each of the appellant's comparables was a foreclosure sale.

In support of the subject's estimated market value, the assessor presented a grid analysis of five comparable sales located in the Linden Pointe subdivision like the subject. The comparables are improved with multi-level dwellings of frame construction that range in size from 1,380 to 1,548 square feet of living area. The dwellings were constructed from 2004 to 2007. Features of the comparables include a partial basement, one of which has finished area. Each home has central air conditioning and a garage ranging in size from 640 to 660 square feet of building area. These five comparables sold from August 2010 to October 2011 for prices ranging from \$116,000 to \$137,000 or from \$81.46 to \$99.28 per square foot of living area, including land. The assessor contended that these were all arm's-length sale transactions which reflect a median sale price of \$86.24 per square foot of living area, including land.

Alternatively, the assessor contended considering eight of the sales presented on the record, with the exclusion of the appellant's comparable #3 ranch-style home, the median sale price is \$83.18 per square foot. "Considering that three of those

sales were foreclosures, we feel that this still supports the subject's value of \$83.66/sqft."²

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant asserted that the assessing officials are refusing to acknowledge the bank-owned property sales in the subject's subdivision where ten sales occurred, five of the sales were of bank-owned properties and one was a short sale. Based on this, the appellant contends that these sales have an effect on what a ready, willing and able buyer would be willing to pay for the subject property.

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 this appeal. The Board further finds a reduction in the subject's assessment is warranted.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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 met this burden of proof and a reduction in the subject's assessment is warranted.

First, the Property Tax Appeal Board takes notice 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

² The arrive at the subject's estimated market value based on its assessment, the assessor multiplied the total assessment by 3 to arrive at a value of \$115,449 or \$83.66 per square foot of living area, including land.

the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

Furthermore, the Property Tax Appeal Board finds the effective date of these statutes is relevant to the assessment date at issue of January 1, 2011.

The parties presented a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the appellant's comparable #3 as this is a one-story home which is dissimilar to the subject's multi-level design. The Board finds the remaining eight comparables presented by both parties are similar to the subject in location, size, style, exterior construction and features except that three of the comparables have finished basements which the subject lacks and six of the comparables are newer than the subject dwelling that is 12 years old. Additionally, these eight properties sold proximate in time to the assessment date at issue and bracket the assessment date of January 1, 2011. Due to the similarities to the subject and the dates of sale, these eight comparables received the most weight in the Board's analysis. These properties sold for prices ranging from \$69,000 to \$137,000 or from \$50.00 to \$99.28 per square foot of living area, including land. The subject's assessment reflects a market value of \$117,398 or \$85.07 per square foot of living area, including land, which is within the range established by these best comparable sales in the record, but not justified when giving reduced weight to the one highest comparable sale, board of review comparable #1, which appears to be an outlier. Excluding this comparable, the board of review's sales evidence ranges from \$81.46 to \$86.88 per square foot of living area, including land and three of the sales occurred in August 2010, which would again support the subject's assessment, but this fails to consider the compulsory sales market in the subject's area that is now mandated to be considered in accordance with the Property Tax Code as cited above.

Based on this record and giving due consideration to the compulsory sales data, the Board finds the appellant did demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is 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.

Ronald R. Guit

Chairman

K. L. Ferr

Member

Member

Mario Morris

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: December 20, 2013

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.