



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

APPELLANT: Linda Kilbane  
DOCKET NO.: 11-01877.001-R-1  
PARCEL NO.: 07-24-127-001

The parties of record before the Property Tax Appeal Board are Linda Kilbane, the appellant, and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$30,618  
**IMPR.:** \$36,033  
**TOTAL:** \$66,651

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the McHenry 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 1.5-story dwelling of frame construction with 2,015 square feet of living area. The dwelling was constructed in 1978. Features of the home include a full basement with finished area, central air conditioning, a fireplace, a sunroom and a detached two-car garage. The property has a 1.95-acre wooded site situated on a private lake

front and is located in Woodstock, Hartland Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a letter arguing that the subject dwelling was in need of repair along with an adjusted comparable sales chart, a letter from a realtor, an itemization of repairs needed, four pages of color photographs with typed explanations of various condition issues and a grid analysis of three suggested comparable sales. The comparable sales occurred in September 2010 and November 2010 with unadjusted sales prices ranging from \$175,000 to \$240,000 or from \$65.64 to \$100.93 per square foot of living area, including land.

The adjusted comparable sales chart depicts the same three comparable sales with \$20,000 upward adjustments for each property under the heading "off the lake" and downward adjustments of \$37,500 for each under the heading "condition." The chart also depicts downward adjustments of \$40.00 per square foot under the heading "square feet adjustment" for comparables #1 and #2.<sup>1</sup> There was also a downward adjustment for comparable #3 of \$20,000 under the heading "larger acreage parcel." The chart then depicts the mathematical results for adjusted sale prices ranging from \$133,020 to \$207,980 with an average adjusted sale price of \$159,500. There was no indication who prepared this adjusted sales chart or any indication of their experience, education and/or expertise in determining appropriate adjustments to the comparables for differences from the subject.

The appellant also submitted a letter which was addressed to the appellant written by realtor Peter Klocek after he viewed the subject dwelling on December 15, 2010. In the letter, he noted the home lacks updates in the kitchen, bathrooms and windows; has worn carpeting; damaged/missing basement ceiling tiles; a rusty fireplace chimney; and the exterior needs staining and wood repairs for both the dwelling and garage. Given market sale conditions, the realtor further opined an initial 30-day listing price for the subject, if all repairs were made, of \$199,000, with subsequent monthly reductions of 1% until sold.

The repairs itemization document depicts costs for carpeting, kitchen and bath updates, deck repairs, along with other various

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<sup>1</sup> Mathematically this appears to be an adjustment for the superior dwelling sizes of comparables #1 and #2 when compared to the subject dwelling at a stated adjustment of \$40 per square foot.

repairs for a total cost of \$37,500. The photographs and related commentary noting warped, worn and dried out decks, chimney in deteriorated condition along with nearby roof shingles, sagging garage roof and worn wooden exterior panels, cracked window seals and other additional damaged/deteriorated features.

Based on the foregoing evidence and argument, the appellant requested a total assessment of \$66,333 which would reflect a market value of approximately \$199,000 or \$98.76 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 \$93,795. The subject's assessment reflects a market value of \$286,397 or \$142.13 per square foot of living area, land included, when using the 2011 three year average median level of assessment for McHenry County of 32.75% as determined by the Illinois Department of Revenue.

In rebuttal through the township assessor, the board of review contended that appellant's comparable #3 was not within Hartland Township.

In support of its contention of the correct assessment through the township assessor, the board of review submitted information which reiterated appellant's comparable sales #1 and #2 and added a new sale #3. Comparable sale #3 from the board of review sold in March 2011 for \$385,000 or \$153.39 per square foot of living area, including land. As part of the submission, the assessor noted that none of these three properties is located on a lake like the subject. The assessor also contended that once the listed repairs to the subject were completed, "the subject would be in a superior condition to all comparables." The assessor also argued that the suggested waterfront adjustment was too low.

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

#### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board has given reduced weight to appellant's comparable #3 and to board of review comparable #3 as both of these homes lack any basement finish and one lacks central air conditioning. Additionally, board of review comparable #3 contains 2,510 square feet of living area in a one-story design as compared to the subject dwelling of 2,015 square feet of living area in a 1.5-story design.

The Board finds the best evidence of market value to be appellant's comparable sales #1 and #2 which are also board of review comparable sales #1 and #2 located in the same subdivision as the subject. Despite that the parties' comparable #1 has an in-ground swimming pool and neither of these properties is located on the lake front, these homes are similar to the subject in lot size, design, exterior construction, age, foundation, basement finished area and/or fireplace amenity. These most similar comparables sold in September and November 2010 for prices of \$179,000 and \$240,000 or for \$65.64 and \$100.93 per square foot of living area, including land. The subject's assessment reflects a market value of \$286,397 or \$142.13 per square foot of living area, including land, which is above the best comparable sales in this record.

The Board further finds that the condition of the subject dwelling was not refuted by the board of review. While the appellant also asserted overvaluation in light of cost to cure evidence, the Board has given little weight to the cost to cure evidence as the Board finds the record contains no market evidence to support appellant's claim regarding the purported loss in value, if such loss exists, or that it is directly related to the cost to cure as represented by an undated, unsigned itemization of \$37,500 for "needed" repairs/updates that could be performed on the subject dwelling. However, the condition of the home may well impact its marketability as was outlined by a realtor who indicated a potential asking price of \$199,000, which is less than its estimated market value as reflected by the assessment.

Based on this condition evidence and the best comparable sales in the record, the Board finds a reduction in the subject's assessment is justified.

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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. Crit*

Chairman

*K. L. F...*

Member

*Richard A. ...*

Member

*Mark ...*

Member

*J.R.*

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: February 20, 2015

*A. ...*

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.