



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

APPELLANT: Mihnea & Elizabeth Ghita
DOCKET NO.: 12-02843.001-R-1
PARCEL NO.: 14-33-154-022

The parties of record before the Property Tax Appeal Board are Mihnea & Elizabeth Ghita, the appellants, and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$16,302
IMPR.: \$54,345
TOTAL: \$70,647

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2012 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 two-story dwelling of brick and frame exterior construction with approximately 2,072 square feet of living area.¹ The dwelling was constructed in 1995.

¹ The appellants' appraiser reported a dwelling size of 2,072 square feet of living area and provided a detailed schematic drawing to support the contention. The board of review reported a dwelling size of 2,016 square feet of living area along with a property record card that lacked a schematic

Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached two-car garage of 465 square feet of building area. The property has a .19-acre site and is located in Crystal Lake, Nunda Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$190,000 as of January 1, 2012. The appraiser, Darcie Bradshaw, utilized both the cost and sales comparison approaches in the report. As to the subject dwelling, the appraiser noted the home had no updates in the prior 15 years, but the home was in overall good condition. The appraiser also described the subject as having an adverse "commercial" view from its parcel.

Under the cost approach the appraiser estimated the subject had a site value of \$18,000. The appraiser estimated the replacement cost new of the improvements to be \$230,300. The appraiser estimated physical depreciation to be \$30,706 resulting in a depreciated improvement value of \$199,594. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$217,600 under the cost approach to value.

Under the sales comparison approach to value, the appraiser analyzed four comparable sales and one active listing located from .36 of a mile to 3.99-miles from the subject property. The comparables were described as parcels ranging in size from 4,000 to 10,360 square feet of land area which were improved with "traditional" dwellings which were 6 to 48 years old. Two of the comparables have views other than "residential"; one was an adverse "commercial" view and one was a beneficial "wooded" view. The comparable dwellings range in size from 1,536 to 2,500 square feet of living area. Features of the comparables include full or partial basements, one of which is a walkout-style and four of which have finished area. Each comparable has central air conditioning and a two-car garage. Four comparables have one or two fireplaces. Four of the properties sold between February 2010 and July 2011. The properties sold or having asking prices ranging from \$171,000 to \$219,900 or from \$68.40 to \$123.70 per square foot of living area, including land.

As part of the report, Bradshaw stated that properties which sold from January 1, 2010 through January 1, 2012 did not

drawing to support the stated dwelling size. The Board finds the appellants presented the best evidence of dwelling size on this record.

require time adjustments because the market had begun to regain its stability. The appraiser further asserted that properties closer to the subject in proximity were "foreclosure in nature and no longer arms length in transaction and could not be included in this appraisal report." Bradshaw asserted that seven foreclosure sales ranged from \$175,000 to \$186,000.

The appraiser made adjustments to the comparables for sale or financing concessions along with adjustments for differences in view, age, room count, dwelling size, basement style/size, basement finish, fireplaces and/or other amenities. From this analysis, the appraiser arrived at adjusted sales prices for the comparables ranging from \$161,500 to \$202,900. Based on this analysis, the appraiser estimated a value for the subject under the sales comparison approach of \$190,000.

Based on this evidence, the appellants requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$70,647. The subject's assessment reflects a market value of \$217,108 or \$104.78 per square foot of living area, land included, when using the 2012 three year average median level of assessment for McHenry County of 32.54% as determined by the Illinois Department of Revenue.

In response, the board of review submitted a memorandum from Dennis Jagla, Nunda Township Assessor, who set forth criticisms of the appraisal sales #1, #3, #4 and listing #5. The assessor contended comparable #1 was "not comparable to the subdivision of the subject"; comparable #3 and #4 have sales from 2010 which are "not considered relevant to this appeal" along with comparable #4 not being within Nunda Township; and listing #5 was "not considered relevant at this time."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six sales identified as comparables #4 through #9 located within 2.35-miles from the subject property. The comparables presented consist of a foreclosure and three short sales. The comparables were described as parcels ranging in size from 8,246 to 23,522 square feet of land area which were improved with two-story frame or frame and masonry dwellings which were 12 to 17 years old. The comparable dwellings range in size from 2,028 to 2,196 square feet of living area. Features of the comparables include full or partial basements, three of which have finished area.

Each comparable has central air conditioning, a fireplace and a two-car garage. Comparable sale #6 also has a pool. The properties sold between May 2011 and July 2012 for prices ranging from \$194,000 to \$265,000 or from \$95.47 to \$125.06 per square foot of living area, including land.

The assessor's grid analysis included adjustments to the comparables for time, lot size, age, bathrooms, dwelling size, basement finish and/or other amenities. Adjusted sales prices ranged from \$191,249 to 241,100 or from \$94.87 to \$119.59 per square foot of living area, including land.

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

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellants submitted an appraisal of the subject property with a final value conclusion of \$190,000. Upon examining the adjustments made within the report, the Property Tax Appeal Board finds inconsistencies in adjustments for age. The Board further finds the comparables in the appraisal report were most distant from the subject and utilized two sales that occurred in 2010, a date more remote in time from the valuation date. The appraiser's dwelling size adjustment differences appeared to have been based on about \$10 per square foot of living area which does not appear to be logical especially when the appraiser made downward adjustments of \$10,000 for a finished basement when compared to the subject dwelling with an unfinished basement. In light of these considerations, the Board finds the appraiser's value conclusion is not well-supported by the comparable sales.

The Board has given reduced weight to appraisal sale comparables #3 and #4 which sold in 2010 which dates are more remote in time to the valuation date of January 1, 2012 and thus less likely to

be indicative of the subject's estimated market value. The Board has also given reduced weight to appraisal sales #1 and #2 and the appraisal listing as these dwellings differ considerably in age from the subject dwelling.

The Board finds the best evidence of market value to be the board of review's comparable sales. These properties sold for prices ranging from \$194,000 to \$265,000 or from \$95.47 to \$125.06 per square foot of living area, including land. The subject's assessment reflects a market value of \$217,108 or \$104.78 per square foot of living area, including land, which is within the range established by the best and most recent comparable sales and listing price in the record. 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.

Chairman



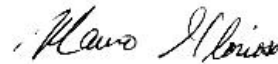
Member



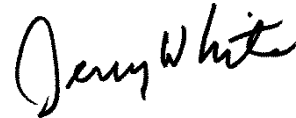
Member



Acting Member



Member



Acting 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: November 20, 2015



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.