



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

APPELLANT: Calvin L. Johnston
DOCKET NO.: 12-03200.001-R-1
PARCEL NO.: 07-35-401-009

The parties of record before the Property Tax Appeal Board are Calvin L. Johnston, the appellant, by attorney Laura Godek of Laura Moore Godek, PC in McHenry; 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: \$21,189
IMPR: \$117,106
TOTAL: \$138,295

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 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 is improved with a 1.5-story dwelling of containing 3,643 square feet of living area. The dwelling was built in 2006 and is approximately 6 years old. Features of the home include an unfinished basement, central air conditioning, two fireplaces and an attached four-car garage. The property

has a two acre site 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 an appraisal estimating the subject property had a market value of \$425,000 as of January 1, 2012. The appraisal was prepared by Elyce Meador of Brad Meador & Associates, LLC. In estimating the market value of the subject property the appraiser developed the cost approach to value and the sales comparison approach to value. Under the cost approach Meador arrived at an estimated value of \$430,243.

Under the sales comparison approach the appraiser used four comparable sales improved with a 1.5-story dwelling, two 2-story dwellings and a one-story dwelling that ranged in size from 3,001 to 3,859 square feet of living area. The dwellings ranged in age from 6 to 40 years old. Each comparable had a basement with one being finished, central air conditioning, one or two fireplaces and a two-car or a three-car garage. These properties had sites ranging in size from 1.07 to 3.45 acres. The sales occurred from July 2011 to April 2102 for prices from \$355,000 to \$503,500 or from \$116.61 to \$162.11 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject and arrived at adjusted prices ranging from \$378,040 to \$496,740. The appraiser arrived at an estimated value under the sales comparison approach of \$425,000.

In reconciling the two approaches to value most credence was given the sales comparison approach and the appraiser estimated the subject property had a market value of \$425,000 or \$116.66 per square foot of living area, including land, as of January 1, 2012.

The appellant requested the subject's assessment be reduced to \$137,128.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$154,985. The subject's assessment reflects a market value of \$476,291 or \$130.74 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.

The board of review stated that the best sales in the appraisal support a value of \$449,000 and indicated it was willing to stipulate to a revised assessment of \$149,652.

The appellant was notified of the proposed stipulation and declined the offer. The appellant also submitted a rebuttal statement noting that no comparables were submitted to support the assessment.

In rebuttal the board of review submitted a statement from the assessor commenting on the adjustments in the appraisal.

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 Board finds the only evidence of market value in this record to be the appraisal submitted by the appellant. The subject's assessment reflects a market value of \$476,291, which is above the appraised value. Although the board of review questioned the validity of the appraised value, it submitted no independent comparable sales to refute the estimated market value developed by the appellant's appraiser. The Board further finds the appraised value equates to a unit price of \$116.66 per square foot of living area, including land, which is supported by appraisal comparable sale #3, the best comparable in the appraisal, that sold for a unit price of \$116.61 per square foot of living area, including land. Based on this record the Board finds the subject property had a market value of \$425,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for McHenry County of 32.54% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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

A. Proctor

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.