



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

APPELLANT: Jack E. McIntyre
DOCKET NO.: 12-03546.001-R-1
PARCEL NO.: 19-07-355-006

The parties of record before the Property Tax Appeal Board are Jack E. McIntyre, 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: \$15,848
IMPR.: \$32,111
TOTAL: \$47,959

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 consists of a split-level dwelling of frame and masonry construction with approximately 1,193 square feet of above-grade living area. The dwelling was constructed in 1987. Features of the home include a partial finished lower level of approximately 616 square feet, central air conditioning, a fireplace and an attached two-car garage of 528 square feet of building area. The property has an approximately 10,977 square

foot site and is located in Crystal Lake, Algonquin 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 \$145,000 as of January 31, 2012. The appraiser utilized both the cost and sales comparison approaches to value to estimate the subject's market value.

Under the cost approach the appraiser estimated the subject had a site value of \$35,000. The appraiser estimated the replacement cost new of the improvements to be \$119,400. The appraiser estimated physical depreciation to be \$15,522 resulting in a depreciated improvement value of \$103,878. The appraiser also estimated the site improvements had a value of \$5,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$143,900 under the cost approach to value.

Under the sales comparison approach, the appraiser used three sales and two listings of comparable homes which were located between 0.12 and 0.44 of a mile from the subject property. The comparables consist of a "traditional," a "colonial," a tri-level and two split-level dwellings which were from 20 to 34 years old. The comparables ranged in size from 1,107 to 2,057 square feet of above-grade living area. Four of the comparable properties have a lower level or basement, three of which have finished area. Each comparable has central air conditioning and a two-car garage. Four of the comparables also have a fireplace. The sales occurred between August and December 2011. The sales or asking prices ranged from \$133,000 to \$169,900 or from \$76.81 to \$127.17 per square foot of living area, including land.

In comparing the properties to the subject, the appraiser made adjustments for location, quality of construction, condition, room count, dwelling size, basement & finish, rooms below grade and/or other amenities. The appraiser also made a "list price/sale price" adjustment of 5% for each of the two listings. As part of the addendum, the appraiser stated that most weight was given to comparable sale #1 due to its recent sale, proximity, similar lot size, similar quality of construction, similar age, similar bedroom count and similar square footage. This comparable sold in November 2011 for \$133,000 or \$120.14 per square foot of living area and the adjustment process resulting in an adjusted sale price of \$152,000. As stated in

the addendum, listing comparables #4 and #5 were used by the appraiser to confirm the value range. This analysis resulted in adjusted sales prices for the comparables ranging from \$144,940 to \$165,285, land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$145,000 or \$121.54 per square foot of living area, including land

Based upon this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$51,736. The subject's assessment reflects a market value of \$158,992 or \$133.27 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.

As to the appellant's appraisal report, the board of review contended that appraisal sale #1 was in a "different township and a different neighborhood." The board of review also remarked that appraisal sale #3 was a two-story dwelling which differs from the subject's split-level design.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located in the same subdivision as the subject property. The comparables consist of split-level frame or frame and masonry dwellings that were 25 to 39 years old. The comparables range in size from 1,140 to 1,494 square feet of living area. The properties sold between April 2010 and June 2011 for prices ranging from \$150,000 to \$190,000 or from \$115.80 to \$160.09 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 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 best evidence of market value to be the appraisal submitted by the appellant with an estimated market value of \$145,000 as of January 31, 2012. Furthermore, this value conclusion is supported by the best and most recent comparable sales submitted by the board of review, comparable sales #3 and #4, which sold in March and June 2011 for prices of \$150,000 and \$173,000 or for \$115.80 and \$117.55 per square foot of living area, including land. These two dwellings are also highly similar to the subject in living area square footage.

The Board has given little weight to board of review comparable sales #1 and #2 which occurred in April 2010 and December 2010 for prices of \$182,500 and \$190,000 or for \$158.60 and \$160.09 per square foot of living area, including land. These sales were remote in time to the assessment date at issue of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value.

The subject's assessment reflects a market value of \$158,992 or \$133.27 per square foot of living area, including land, which is above the appraised value and also above the two best comparable sales in the record submitted by the board of review as comparables #3 and #4.

In conclusion, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's total assessment request is warranted.

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

Mario Alvarez

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffens

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.