



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

APPELLANT: Laurence & Victoria Wilbrandt
DOCKET NO.: 12-03599.001-R-1
PARCEL NO.: 19-06-227-023

The parties of record before the Property Tax Appeal Board are Laurence and Victoria Wilbrandt, the appellants; 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: \$5,000
IMPR.: \$0
TOTAL: \$5,000

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 vacant lot with 10,200 square feet of land area. The property is located at 47 South Virginia Street (Route 14), Crystal Lake, Algonquin Township, McHenry County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the

subject property was purchased on January 9, 2012 for a price of \$5,000 from Wilbrandt Real Estate, LLC. The appellant, Laurence A. Wilbrandt, submitted an affidavit explaining his parents died in 2007 and the real estate held in their trust was transferred to a family holding company, Wilbrandt Real Estate, LLC. The appellant explained he has a 20% ownership interest in Wilbrandt Real Estate, LLC, as do his 4 brothers and sisters. The LLC marketed the real estate holdings along Route 14, which totaled about 1.75 acres, as one parcel for two years but received no offers. The appellant approach his siblings about purchasing his law office at 65 S. Virginia Street based on the average of two appraisals, one commissioned by the appellant and the other by the LLC. His siblings insisted the subject property also be purchased because the property was unbuildable and worthless as a stand-alone property. The appellant explained the subject property is zoned office and in checking with the City the vacant lot is unbuildable. The appellant asserted that in checking some recent land sales it was agreed that the sales price would be \$1.50 per square foot or \$15,000. He asserted the determination of the sales price was a function of its unbuildable status and contiguousness to his law office. He asserted the sale was an arm's length transaction and that he was shown no favoritism by his family members in either transaction since they all wanted to maximize their individual share with the highest price they could get from the sale.

In further support of the appeal the appellants submitted information on three comparables sales which included two vacant sites and one property that had an abandoned building. The comparables had from 8,712 to 42,253 square feet of land area. The comparables sold from February 2011 to October 2012 for prices ranging from \$9,000 to \$118,659 or from \$.77 to \$2.81 per square foot of land area. Based on this evidence the appellants requested the subject's assessment be reduced to \$5,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$11,595. The subject's assessment reflects a market value of \$35,633 or \$3.49 per square foot of land area 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 asserted the market indicates the assessment is well below fair market value. The board of review also asserted the 2011 sale was between related parties. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the

subject property disclosing the purchase price of \$15,000 and indicating the property was not advertised for sale.

In rebuttal the board of review submitted information from the township assessor commenting on the sales submitted by the appellants. The assessor indicated appellants' sale #1 consisted of two parcels with a residential home on the site. The assessor asserted comparable sale #2 was a distressed sale based on the Multiple Listing Service (MLS) listing sheet. The copy of the PTAX-203 Illinois Real Estate Transfer Declaration submitted by the assessor associated with this sale indicated the property was advertised and the MLS listing sheet indicated the property was on the market for 88 days. The assessor also indicated that appellants' comparable sale #3 was composed of two parcels with a total of 3.41 acres or 148,540 square feet of land area that sold in September 2011 for a price of \$425,000 or \$2.86 per square foot of land area.

Finally, the assessor indicated subject is zoned O and measures 50 feet by 205 feet. The assessor noted the minimal width would be 80 feet to accommodate an office. The assessor stated the owner could consider part of the adjacent lot that he owns to be able to meet standards to enable him to build on the site. The assessor further stated a house could not be built on the site due to O zoning. As a final point the assessor stated that per Community Development, if the property was listed for sale due to the size limitations it is improbable that an office building could be built.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the township assessor that ranged in size from 1.00 to 3.00 acres or from 43,560 to 130,680 square feet of land area. The sales occurred from July 2012 to December 2012 for prices ranging from \$165,000 to \$653,400 or from \$3.16 to \$7.81 per square foot of land area. In the grid analysis developed by the assessor the subject property was indicated to have 1.21 acres.

In rebuttal the appellant, Laurence Wilbrandt, noted the comparable sales submitted by the board of review are all at least one acre and buildable without any variances. He also noted each comparable was zoned business which allows more uses. The appellant also submitted an appraisal prepared by Adrian M. Schaid, a certified general real estate appraiser, estimating the subject property had a market value of \$8,000 as of January

1, 2013. Section 1910.66(c) of the rules of the Property Tax Appeal Board provides:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Admin.Code §1910.66(c)).

Based on this rule the Property Tax Appeal Board finds the appraisal submitted by the appellant is improper rebuttal evidence and will not be given any consideration in determining the correct assessment for the 2012 tax year.

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 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 purchase of the subject property in January 2012 for a price of \$15,000. Although the parties to the transaction were related, the Board finds the appellants provided evidence demonstrating the sale did have elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the property had been marketed using a Realtor, the property had been advertised in the Multiple Listing Service and it had been on the market for two years. The appellants also submitted an affidavit explaining the circumstances surrounding the sale and disclosing the subject site was not buildable due to its size not meeting zoning requirements. The evidence submitted by the board of review also contained a statement from the township assessor that subject has a width of 50 feet but under existing zoning the minimal width would be 80 feet to accommodate an office building. The assessor's narrative also stated that per Community Development, if the property was listed for sale due to the size limitations it is improbable that an office building could be built. Due to the fact the subject site is unbuildable the Board finds the purchase price of \$15,000 is indicative of the property's market value as of

the assessment date. The purchase price is below the market value reflected by the subject's assessment. Little weight was given the comparable sales provided by the board of review due to the fact each property was considerably larger than the subject site and presumably buildable. Based on this record the Board finds 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.

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.