



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

APPELLANT: Gayle Anthony
DOCKET NO.: 12-03718.001-R-1
PARCEL NO.: 19-02-101-003

The parties of record before the Property Tax Appeal Board are Gayle Anthony, 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: \$24,141
IMPR.: \$72,526
TOTAL: \$96,667

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 two-story single family dwelling of frame and brick construction with 3,216 square feet of living area. The dwelling was constructed in 1989. Features of the home include an unfinished basement, central air conditioning, two fireplaces and a three-car garage with 1,008 square feet of building area. The property has a one acre site

and is located in Crystal Lake, Algonquin Township, McHenry County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 3, 2012 for a price of \$290,000. The appellant was the seller and the purchasers were identified as John Randolph and Lisa Lineback. The appellant denoted the parties to the transaction were not related. The appellant indicated the property had been sold through a Realtor and had been on the market for five years. She further indicated the property had been listed in the Multiple Listing Service and was sold on a contract for deed. To document the transaction the appellant submitted a copy of a Memorandum of Agreement for Deed and a copy of the Articles of Agreement for Deed reciting the purchase price of \$290,000 and the installment purchase procedure with the final payment of the purchase price and all accrued but unpaid interest and other charges due on August 31, 2015. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$100,725. The subject's assessment reflects a market value of \$309,542 or \$96.25 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 support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the township assessor. The comparables were improved with two-story single family dwellings of frame or frame and brick exterior construction that range in size from 3,154 to 3,489 square feet of living area. The comparables ranged in age from 22 to 26 years old. Each comparable had a basement with four being finished, central air conditioning, one or two fireplaces and garages ranging in size from 736 to 925 square feet of building area. The sales occurred from June 2011 to May 2012 for prices ranging from \$294,900 to \$375,000 or from \$86.40 to \$107.80 per square foot of living area, including land.

In its submission the board of review asserted its decision was based on a "recent sale", however, it now knows the sale was an installment sale with a balloon payment in 2015. It offered no

further explanation of how the nature of the subject's sale impacted the price.

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 purchase of the subject property in August 2012 for a price of \$290,000 or \$90.17 per square foot of living area, including land. The appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for five years. In further support of the transaction the appellant submitted a copy of the Articles of Agreement for Deed disclosing the purchase price of \$290,000 and the payment terms. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. A review of the sales provided by the board of review disclosed that sale #4 was most similar to the subject in location and sold proximate in time to the assessment date. This comparable, like the subject, had an unfinished basement. Comparable #4 sold in February 2012 for a price of \$294,900 or \$86.40 per square foot of living area, including land. The Board finds this sale supports the conclusion the subject's purchase price is indicative of fair cash value. Based on this record the Board finds a reduction in the subject's assessment is appropriate.


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



Member

Acting 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: December 18, 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.