



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

APPELLANT: John Derer
DOCKET NO.: 12-04370.001-R-1
PARCEL NO.: 19-13-178-034

The parties of record before the Property Tax Appeal Board are John Derer, 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: \$20,415
IMPR.: \$48,535
TOTAL: \$68,950

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 construction with 2,178 square feet of living area. The dwelling was constructed in 1986 and is approximately 26 years old. Features of the home include an unfinished basement, central air conditioning, one fireplace and a three-car garage. The property has an 18,339 square foot site and is located in Cary, 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 \$170,000 as of January 1, 2012. The appraiser described the subject dwelling as having no physical, functional or external issues. The

appraiser also stated the property has an above ground swimming pool. The appraiser developed the sales comparison approach to value using three comparable sales improved with two-story dwellings that had 1,664 or 2,237 square feet of living area. The dwellings were 34 and 36 years old. Each comparable had a full finished basement, central air conditioning, one or two fireplaces and a two-car garage. The sales occurred from July 2011 to April 2012 for prices ranging from \$150,000 to \$220,000 or from \$90.14 to \$108.17 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject property the appraiser arrived at adjusted prices ranging from \$144,500 to \$202,500.

The appellant also submitted information on three comparable sales improved with two, two-story dwellings and a split-level dwelling that ranged in size from 2,302 to 2,883 square feet of living area. The dwellings ranged in age from 27 to 47 years old. Each comparable had a basement, central air conditioning, one or two fireplaces and a two-car garage. These properties sold from March 2012 to December 2012 for prices ranging from \$182,500 to \$195,000 or from \$67.63 to \$81.70 per square foot of living area, including land. The Multiple Listing Service (MLS) sheet submitted by the appellant for comparable #1 indicated this property was "REO/Lender Owned, Pre-Foreclosure." The appellant requested the subject's assessment be reduced to \$56,666.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$73,326. The subject's assessment reflects a market value of \$225,341 or \$103.46 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 a copy of the subject's property record card and a grid analysis using all the comparables contained in the appellant's appraisal, comparables #1 and #2 submitted by the appellant and two additional comparables provided by the township assessor. The two comparables provided by the assessor were improved with a 1.5-story and a two-story dwelling of frame construction that had 2,006 and 2,020 square feet of living area, respectively. The dwellings were 26 and 22 years old. Each comparable had a basement, central air conditioning, one fireplace and a two-car garage. The data indicated assessor comparable sale #2 was a foreclosure. The sales occurred in September 2012 and February 2012 for prices of \$200,000 and \$189,500 or from \$99.70 and \$93.81 per square foot of living area, including land, respectively. The grid analysis provided by the board of review also described the subject as having an in-ground swimming pool; however, the subject's property record card does not specifically disclose an in-ground swimming pool or the value attributed to the pool. Adjustments were made to all the comparables on the grid analysis to account for differences from the subject and arrived at adjusted prices ranging from

\$219,500 to \$272,000. The analysis indicated the value for the subject property was \$250,300.

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 evidence in the record supports a reduction in the subject's assessment.

The Board finds the best evidence of market value to be appraisal comparable sale #3, appellant's comparable sales #1 and #2 and the two comparable sales provided by the assessor. These five comparable sales sold for prices ranging from \$182,500 to \$220,000 or from \$67.63 to \$99.70 per square foot of living area, including land. The comparables most similar to the subject in age and size were the two comparables provided by the assessor that had unit prices of \$99.70 and \$93.81 per square foot of living area, including land. The subject's assessment reflects a market value of \$225,341 or \$103.46 per square foot of living area, including land, which is above the range established by the best comparable sales in the record. Less weight was given appraisal comparables sales #1 and #2 due to size and age. Less weight was given appellant's comparable sale #3 due to differences from the subject in style. The Board further finds there was conflicting evidence with respect to whether the subject had an above-ground or an in-ground swimming pool. The Board gives more credence to the appellant's appraisal on this issue. Based on this evidence 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



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.