



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

APPELLANT: Irene Petrescu & Gheorghe Capota
DOCKET NO.: 13-02981.001-R-1
PARCEL NO.: 14-29-104-005

The parties of record before the Property Tax Appeal Board are Irene Petrescu & Gheorghe Capota, the appellants, and the McHenry County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$23,721
IMPR.: \$58,087
TOTAL: \$81,808

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 2013 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 two-story single-family dwelling of frame and masonry exterior construction with approximately 2,048 square feet of above-grade living area. The dwelling was constructed in 1972. Features of the home include a partial basement with finished area, central air conditioning, two fireplaces and an attached two-car garage. The property has a .5-acre site and is located in Crystal Lake, Nunda Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants provided three comparable listings in the Section V grid analysis of the appeal petition and also submitted the cover page, summary/transmittal

page and "page 1 of 6" of a refinance transaction appraisal of the subject property prepared for Dubuque Bank & Trust Company. As to the purported appraisal, the transmittal page depicts an opinion of market value as of October 2, 2012 of \$195,000. None of the pages of the remainder of the appraisal, outlining the comparable properties, adjustments and/or the appraiser's analysis in arriving at an opinion of value, were submitted with the appeal.

The comparable listings were located .5 or .7 of a mile from the subject property. The parcels range in size from 8,739 to 21,780 square feet of land area. The comparable dwellings were described as consisting of a one-story and two, two-story frame or brick and frame dwellings. The comparables were reportedly built between 1969 and 1996 and range in size from 1,056 to 1,188 square feet of living area as set forth by the appellants. Features include a basement, one of which has finished area, central air conditioning and a two-car garage. Two of the comparables have a fireplace. The properties were offered for sale at unknown dates for asking prices ranging from \$184,900 to \$249,900 or from \$155.64 to \$236.73 per square foot of above-grade living area, including land.¹

Based on this evidence, the appellants requested a total assessment of \$64,667 which would reflect a market value of approximately \$194,001 or \$94.73 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$81,808. The subject's assessment reflects a market value of \$245,375 or \$119.81 per square foot of living area, land included, when using the 2013 three year average median level of assessment for McHenry County of 33.34% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review through the township assessor argued that the subsequent sales of the appellants' comparable properties did not occur until June 2014 and later such that the sales data is not suitable for estimating the subject's market value as of the assessment date at issue of January 1, 2013. Moreover, the township assessor in reiterating the appellants' three comparables described the dwellings as a split-level and two, two-story homes built between 1970 and 1997. The homes were reported by the board of review to range in size from 1,126 to 1,836 square feet of above-grade living area with partial basements, two of which have finished area and the split-level has a finished lower level. Each home has central air conditioning, two have a fireplace and each features a two-car garage. The properties reportedly sold in June and July 2014 for prices ranging from \$164,000 to \$244,500 or from \$91.83 to

¹ The appellants in the Section V grid analysis appear to have included basement square footage with the above-grade living area in determining the asking price per square foot of the comparables.

\$198.05 per square foot of above-grade living area, including land.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on two comparable sales identified as #4 and #5. These comparables consist of two-story frame or frame and masonry dwellings that were built in 1969 and 1977. The homes contain 2,282 and 2,316 square feet of living area, respectively, with basements with finished areas, central air conditioning, a fireplace and a two-car garage. These comparables sold in January and April 2013 for prices of \$255,000 and \$297,000 or for \$111.74 and \$128.24 per square foot of above-grade 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 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board has given little weight to the appraisal documentation submitted by the appellants since it is incomplete and does not permit a review of the entire appraisal report including, but not limited to, the analysis of the comparable properties that were considered by the appraiser at arriving at the opinion of value. The appraisal may have been a valid estimate of the market value of the subject property, but the appellants did not provide a complete copy of the appraisal report for consideration and thus, the summary page alone cannot be utilized.

The parties submitted data on five comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given more weight to the descriptions of the appellants' comparables as provided by the board of review. The Board has given reduced weight to appellants' comparable #2 which was asserted to be a split-level dwelling by the board of review; the appellants did not refute this contention when given the opportunity to submit rebuttal evidence nor did the appellants dispute the other descriptions of their comparables in a rebuttal filing.

The Board finds the best evidence of market value to be appellants' comparable sales #1 and #3 along with board of review comparable sales #4 and #5. These four comparables have varying degrees of similarity to the subject and sold for prices ranging from \$164,000 to \$297,000 or from \$91.83 to \$133.17 per square

foot of above-grade living area, including land. The subject's assessment reflects a market value of \$245,375 or \$119.81 per square foot of above-grade living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is not 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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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: April 22, 2016

A. Heston

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.