



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

APPELLANT: Paul Johnson
DOCKET NO.: 13-03328.001-R-1
PARCEL NO.: 14-26-305-002

The parties of record before the Property Tax Appeal Board are Paul Johnson, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry, 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: \$23,773
IMPR: \$126,257
TOTAL: \$150,030

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 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 brick and frame exterior construction with 5,021 square feet of living area. The dwelling was constructed in 1996. Features of the home include a basement with finished area,¹ central air conditioning, two fireplaces and an attached three-car garage. The property has a 43,560 square foot site and is located in Prairie Grove, Nunda Township, McHenry County.

¹ In the board of review grid analysis, the subject is described as an English-style basement with no finished area whereas the appellant's appraisal reports the basement has finished area.

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 \$450,000 as of January 1, 2013 and also submitted data on three comparable sales where comparable #3 was one of the sales in the appraisal report.

The two additional comparable sales presented by the appellant were two-story frame or brick dwellings that were 22 and 14 years old, respectively. The homes contain 4,073 and 3,590 square feet of living area with full basements, one of which is finished. Each home has central air conditioning, a fireplace and a three-car garage. These properties sold in May and August 2012 for prices of \$335,000 and \$400,000 or for \$82.25 and \$111.42 per square foot of living area, including land.

The retrospective ad valorem appraisal report of the subject was prepared for a tax assessment appeal which valued the fee simple property rights. The appraiser utilized the sales comparison approach in arriving at an opinion of value. The three comparable sales were located within .37 of a mile of the subject and were reported to be in the Prairie Ridge High School district. The parcels range in size from 45,302 to 89,508 square feet of land area and are improved with two-story dwellings that were 8 to 19 years old. The homes range in size from 2,783 to 5,476 square feet of living area with full basements with finished area. Each home has central air conditioning, one or two fireplaces and a three-car or a four-car garage. The properties sold between May 2012 and March 2013 for prices ranging from \$360,000 to \$595,000 or from \$84.00 to \$160.46 per square foot of living area, including land.

The appraiser made adjustments for land size, age, condition, room count, dwelling size, garage size and/or other amenity differences. From this process, the appraiser depicted adjusted sales prices for the comparables ranging from \$429,075 to \$552,007.

Based on this evidence, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$173,900. The subject's assessment reflects a market value of \$521,596 or \$103.88 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 submitted a letter from Dennis Jagla, Nunda Township Assessor, along with grid analyses reiterating the appellant's comparable sales and setting forth three comparable sales on behalf of the board of review. The township assessor contended that appraisal sale #1 was

substantially smaller than the subject dwelling making it dissimilar for comparison purposes.

In the letter, Jagla also reported that the subject property was listed for sale from April 16, 2014 through June 8, 2014 with an asking price of \$700,000 and with a reduced asking price of \$695,000 from June 8, 2014 until July 11, 2014 when the listing was "removed." A copy of the Multiple Listing Service data sheet was included with the submission.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales, identified as #5, #6 and #7. The parcels range in size from 47,045 to 135,036 square feet of land area and are improved with two-story dwellings of stucco or frame and brick construction. The homes were built between 1999 and 2008 and range in size from 4,220 to 5,463 square feet of living area. Each comparable has a basement, one of which is finished and two of which are walkout-style. The homes have central air conditioning, two fireplaces and a three-car or a four-car garage. One of the comparables also has an in-ground pool. The comparables sold between August 2012 and March 2013 for prices ranging from \$615,000 to \$831,000 or from \$133.37 to \$196.92 per square foot of living area, including land.

The grid analysis depicts adjustments to the comparables for differences in age, size, basement size, basement finish, basement design (English and/or walkout), garage size and/or other amenity differences. The grid depicts adjusted sales prices ranging from \$630,530 to \$844,847 or from \$125.89 to \$200.20 per square foot of living area, including land. The township assessor concluded that this analysis supported a market value for the subject dwelling higher than its current estimated market value as reflected by its assessment.

Based on the foregoing evidence, however, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant addressed the features of the three comparable sales presented by the board of review as reported in the applicable Multiple Listing Service data sheets along with copies of the documents. Counsel also argued differences in age, lot size, garage size, pool amenity and/or applicable school district when compared to the subject; there was also no lot size adjustment for comparable #7 consisting of 3.1-acres as compared to the subject 1-acre lot.

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.

To support their respective positions before the Property Tax Appeal Board, the appellant submitted an appraisal and two additional comparable sales whereas the board of review submitted three comparable sales. The Board has given reduced weight to board of review comparables #6 and #7 for superior age and/or land area when compared to the subject property. The Board has also given little weight to the appellant's two additional comparable sales as each dwelling is substantially smaller than the subject dwelling. The Board further finds that the sale price of board of review comparable #5, which is in excess of \$800,000, indicates that this property is either an outlier in terms of sale price or is dissimilar to the subject property which has been assessed with a much lower estimated market value by the assessing officials.

Therefore, on this record, the Board finds the best evidence of market value to be the appraisal submitted by the appellant with an estimated market value of \$450,000. While the Board recognizes that two of the comparable sales in the appellant's appraisal report are dissimilar to the subject dwelling in size and/or age, the Board finds that the final value conclusion for the subject dwelling is well-supported by appraisal comparable sale #2 and by the adjusted sale prices developed by the appraiser.

The subject's assessment reflects a market value of \$521,596, including land, which is above the appraised value of \$450,000. On this record, the Board finds the subject property had a market value of \$450,000 as of the assessment date at issue. Since market value has been established the 2013 three year average median level of assessments for McHenry County of 33.34% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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. Hertel

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.