



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

APPELLANT: Cary Zarate
DOCKET NO.: 13-03422.001-R-1
PARCEL NO.: 15-31-302-020

The parties of record before the Property Tax Appeal Board are Cary Zarate, 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: \$37,095
IMPR.: \$67,691
TOTAL: \$104,786

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 dwelling of frame and brick construction with 3,110 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full unfinished walkout-style basement, central air conditioning, a fireplace and a three car garage. The property has a .67-acre (29,185 square foot) site and is located in Oakwood Hills, Nunda Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within .23 of a mile of the subject property. The comparable parcels range in size from 23,087 to 36,155 square feet of land area and feature two-story

frame or brick and frame dwellings. The homes were 16 to 20 years old and range in size from 3,063 to 3,594 square feet of living area. Each comparable has a basement, one of which is finished. The homes have central air conditioning, a fireplace and a three-car or a four-car garage. These properties sold between August 2012 and June 2013 for prices ranging from \$275,000 to \$385,000 or from \$89.78 to \$107.12 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$104,786 which would reflect a market value of approximately \$314,358 or \$101.08 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 \$117,087. The subject's assessment reflects a market value of \$351,191 or \$112.92 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 contended that the assessor's data indicated the subject property was underassessed. The board of review submitted a memorandum and data gathered by Dennis Jagla, Nunda Township Assessor.

In support of its contention of the correct assessment the board of review submitted information on one additional comparable sale identified as comparable #4. The suggested additional comparable property consists of 30,492 square foot lot that is improved with a two-story frame and brick dwelling that was built in 1999. The home contains 3,661 square feet of living area with an English style unfinished basement, central air conditioning, two fireplaces and a three-car garage. The property sold in May 2013 for \$411,000 or \$112.26 per square foot of living area, including land.

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

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 parties submitted a total of four comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board has given reduced weight to appellant's comparable #3 as this dwelling is larger than the subject dwelling and has a finished basement which is not a feature of the subject dwelling. The Board has also given reduced weight the board of review comparable #4 which is also larger than the subject dwelling.

The Board finds the best evidence of market value to be appellant's comparable sales #1 and #2. These two dwellings bracket the subject in age and size, are similar in design to the subject and are similar in location. These most similar comparables sold in August 2012 and June 2013 for prices of \$275,000 and \$336,000 or for \$89.78 and \$101.91 per square foot of living area, including land. The subject's assessment reflects a market value of \$351,191 or \$112.92 per square foot of living area, including land, which is above the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. The Property Tax Appeal Board recognizes that the subject dwelling has a walkout-style basement which is not a feature of either of these best comparable sales and merits an upward adjustment to the sales prices for the subject property.

Having analyzed the data and making adjustments for various differences in features between the comparables and the subject, the Board finds a reduction in the subject's assessment commensurate with the appellant's total assessment request 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.

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.