



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

APPELLANT: Michael Caponigro
DOCKET NO.: 13-03427.001-R-1
PARCEL NO.: 20-08-305-011

The parties of record before the Property Tax Appeal Board are Michael Caponigro, the appellant, 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: \$38,954
IMPR.: \$78,408
TOTAL: \$117,362

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 construction with 3,098 square feet of living area. The dwelling was constructed in 1994. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage of 651 square feet of building area. The property has a 25,134 square foot site and is located in Cary, Algonquin Township, McHenry County.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal. In support of these arguments, the appellant submitted information on three comparable properties set forth in the Section V grid analysis with both equity and

sales data along with attached printouts on four additional equity comparables.¹

The seven equity comparables are described as parcels that range in size from 18,023 to 23,000 square feet of land area. The parcels are each improved with a two-story frame or frame and masonry dwelling built between 1992 and 1999. The homes range in size from 2,784 to 3,545 square feet of living area and feature full or partial basements, two of which are partially exposed and two of which have finished areas. Three of the comparables are reported to have central air conditioning, one or two fireplaces and a garage ranging in size from 672 to 744 square feet of building area. The four comparables identified as Assessment #1 through Assessment #4 do not have data concerning air conditioning, fireplace and/or garage amenities. Two of the comparables also have in-ground pools. These seven comparables have improvement assessments ranging from \$53,866 to \$90,205 or from \$18.25 to \$28.83 per square foot of living area.

The appellant also reported that comparables #1 through #3 in the grid analysis sold between May 2012 and February 2013 for prices ranging from \$268,000 to \$315,000 or from \$85.65 to \$109.34 per square foot of living area, including land.

Based on this evidence, the appellant requested an improvement assessment of \$56,333 or \$18.18 per square foot of living area with a total assessment of \$95,287 which would reflect a market value of approximately \$285,861 or \$92.27 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 \$117,362. The subject property has an improvement assessment of \$78,408 or \$25.31 per square foot of living area. The subject's assessment also reflects a market value of \$352,016 or \$113.63 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 support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparables on two separate grids reflecting separately equity and sales data for each property.

The four comparable parcels range in size from 17,990 to 20,473 square feet of land area. The parcels are improved with two-story frame or frame and masonry dwellings that were built between 1993 and 2008. The homes range in size from 2,764 to 3,368 square feet of living area and feature basements, three of

¹ The documentation includes color photographs and an Algonquin Township property search printout individually identified as "Assessment #1" through "Assessment #4." The Property Tax Appeal Board has examined this data and summarized it to the best of its ability.

which have finished areas and two of which are partially exposed. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 675 to 928 square feet of building area. These comparables have improvement assessments ranging from \$70,106 to \$92,969 or from \$25.23 to \$27.60 per square foot of living area. These comparables also sold between September 2012 and August 2013 for prices ranging from \$325,000 to \$396,500 or from \$114.01 to \$117.73 per square foot of living area, including land.

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

Conclusion of Law

The taxpayer contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of eleven equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #2 in the grid analysis and "Assessment #4" as each of these properties have partially exposed basements and an in-ground pool which are not features of the subject property making them dissimilar to the subject. The Board has also given reduced weight to board of review comparables #1 and #2 as these dwellings are both substantially newer than the subject dwelling.

The Board finds the best evidence of assessment equity to be appellant's comparables #1, #3 and Assessment #1 through Assessment #3 along with board of review comparables #3 and #4. These seven comparables have varying degrees of similarity to the subject and had improvement assessments that ranged from \$53,866 to \$90,205 or from \$18.25 to \$28.83 per square foot of living area. The subject's improvement assessment of \$78,408 or \$25.31 per square foot of living area falls within the range established by the best comparables in this record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The appellant also 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of seven comparables with sales data to support their respective positions. The Board has given reduced weight to appellant's comparable #2 due to its partial exposed basement and in-ground pool amenity that are not features of the subject. The Board has also given reduced weight to board of review comparables #1 and #2 which dwellings are substantially newer than the subject dwelling.

The Board finds the best evidence of market value to be appellant's comparable sales #1 and #3 along with board of review comparable sales #3 and #4. These most similar comparables sold between May 2012 and August 2013 for prices ranging from \$268,000 to \$355,000 or from \$85.65 to \$117.58 per square foot of living area, including land. The subject's assessment reflects a market value of \$352,016 or \$113.63 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be supported by the subject's larger land area when compared to the most similar comparable sales.

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.