



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

APPELLANT: Tracy Lee
DOCKET NO.: 13-03774.001-R-1
PARCEL NO.: 19-30-303-015

The parties of record before the Property Tax Appeal Board are Tracy Lee, the appellant, by attorney Andrew J. Rukavina, of The Tax Appeal Company, in Mundelein, and the McHenry County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$17,029
IMPR.: \$102,292
TOTAL: \$119,321

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 brick and frame construction with 3,698 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full unfinished walkout-style basement, central air conditioning, a fireplace and a 726 square foot garage. The property has a .326-acre site and is located in Algonquin, 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 \$335,000 as of January 1, 2013.

The appraiser utilized the sales comparison approach to value in arriving at the estimated market value of the subject by analyzing three comparable sales located within .76 of a mile from the

subject. The comparable parcels range in size from 14,021 to 18,086 square feet of land area and are improved with two-story dwellings that were 12 or 13 years old. The homes range in size from 3,539 to 3,569 square feet of living area with a walkout-style basement, two of which have finished areas. Each home has central air conditioning, one or two fireplaces and a three-car garage. The properties sold between April 2012 and May 2013 for prices ranging from \$335,000 to \$373,000 or from \$94.66 to \$105.31 per square foot of living area, including land.

The appraiser made adjustments to the comparables for differences when compared to the subject including site, age, room count, dwelling size, basement finish and number of fireplaces. The appraiser arrived at adjusted sale prices ranging from \$307,960 to \$356,515 or from \$87.02 to \$99.89 per square foot of living area, including land.

Based on this evidence, the appellant requested an assessment reflective of the appraised value of \$335,000 or \$90.59 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 \$119,321. The subject's assessment reflects a market value of \$357,891 or \$96.78 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.

As to the appellant's evidence, the board of review submitted a memorandum noting that the appellant's appraisal lacked any interior photographs to support or refute an "average" condition rating. Moreover, the board of review argued that appraisal sale #3 was only on the market for 4 days which suggests that the seller was highly motivated to sell quickly. The board of review also questioned why other comparable sales, board of review comparables #4 and #6, in the subject's immediate area were not used rather than comparables in a nearby subdivision.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales #4 through #9. The comparable parcels range in size from .322 to .589 of an acre of land area and are improved with two-story dwellings that were 7 to 22 years old. The homes range in size from 2,998 to 3,464 square feet of living area. Three of the comparables have a full walkout-style basement, two of which are fully finished and three of the comparable have standard basements, one of which has finished area. Each home has central air conditioning, a fireplace and a garage ranging in size from 502 to 809 square feet of building area. The properties sold between January 2012 and September 2013 for prices ranging from \$347,000 to \$600,000 or from \$109.15 to \$177.10 per square foot of living area, including land.

The grid includes both parties' comparables with adjustments. As set forth on the grid, the assessor opined a market value for the subject of \$398,700 based on the data.

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

In written rebuttal, counsel for the appellant contended that board of review comparables #4, #5 and #6 had various differences from the subject such that these were not appropriate comparables to the subject property; nothing was stated with regard to board of review comparables #7

through #9. Based upon Multiple Listing Service data, counsel contended that board of review comparable #4 has a premium lot and actually has a full finished lower level, additional amenities that are superior to the subject and the property sold nine months after the lien date of January 1, 2013. Counsel asserted based on the Multiple Listing Service that board of review comparable #5 also has a full luxury finished basement, additional amenities of radiant heated floors, a swimming pool, an auto cover and golf course views. As to board of review comparable #6, counsel noted the dwelling's full finished basement feature as being superior to the subject property.

The board of review filed surrebuttal with a two-page grid analysis of both parties' comparable properties which was revised from the board of review original submission reflecting revised "indicated value of subject" based on all of the assessor's adjustments and only five comparables for the board of review. As set forth on the grid, the assessor opined a market value for the subject of \$372,400.

Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board has not considered the surrebuttal evidence submitted by the board of review as it is new and different evidence which is not merely responsive to the appellant's rebuttal about the superior characteristics of the board of review properties.

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

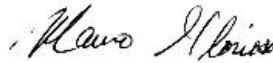
The Property Tax Appeal Board finds that the board of review comparable #6 is an outlier in price and a superior dissimilar property to the subject in exterior construction, full finished basement and "excellent" condition which has been given little weight in the Board's analysis.

The Property Tax Appeal Board finds that the appellant's appraisal report does not reflect a credible estimate of the subject's market value given the substantial adjustments that were made to the comparable sales in the appraisal report. In particular, the Board finds the substantial "room count" deductions to each comparable lack substantive support in the appraisal report. Therefore, the Board will examine the three sales from the appraisal report along with five of the comparable sales presented by the board of review.

These eight comparable sales presented by both parties sold between January 2012 and September 2013 for prices ranging from \$335,000 to \$472,000 or from \$94.66 to \$141.95 per square foot of living area, including land. The subject's assessment reflects a market value of

\$357,891 or \$96.78 per square foot of living area, including land, which is within the range established by the comparable sales in the 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.



Chairman



Member

Member



Member

Member

DISSENTING: _____

CERTIFICATION

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: June 24, 2016



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.