



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

APPELLANT: Joseph Mazzei
DOCKET NO.: 13-03809.001-R-1
PARCEL NO.: 14-13-276-014

The parties of record before the Property Tax Appeal Board are Joseph Mazzei, 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: \$ 23,447
IMPR.: \$117,752
TOTAL: \$141,199

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 frame dwelling that contains 3,998 square feet of living area. The dwelling was built in 2001. Features include a full finished English lookout basement, central air conditioning, three fireplaces, a three-car attached garage, a 377 square foot swimming pool, a wood deck, and a one-car detached garage with an attached porch used as a pool house. The subject property has a .46 acre site. The subject property is located in Nunda Township, McHenry County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property estimating a market value of \$390,000 as of January 1, 2013. The appraisal was prepared by Charles Walsh, a state licensed appraiser. The appraiser developed the sales comparison approach to value in arriving at the final opinion of value. Page 1 of the appraisal

indicates the subject property is located in an area of stable market values. The appraiser identified three comparable sales located from 1.40 to 1.81 miles from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size and features. The comparables sold from May 2012 to August 2013 for prices ranging from \$305,000 to \$333,850 or from \$110.58 to \$132.03 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in site size, age, room count, dwelling size, unfinished basement area, garage space, and various other features such as fireplaces, decks, porches, patios, lack of a swimming pool and a barn. After adjustments, the comparables had adjusted sale prices ranging from \$375,220 to \$414,910 or from \$124.29 to \$172.81 per square foot of living area including land. Based on the adjusted sales, the appraiser concluded a final value estimate for the subject property of \$390,000 or \$97.55 per square foot of living area including land.

The appraiser noted the comparables are located in the same school district and township as the subject, excluding river front sales. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$141,199 was disclosed. The subject's assessment reflects an estimated market value of \$423,512 or \$105.93 per square foot of living area including land when applying McHenry County's 2013 three-year average median level of assessment of 33.34%. 86 Ill.Admin.Code §1910.50(c)(1).

In response to the appeal, the board of review submitted four comparable sales and a letter addressing the appeal. The evidence was prepared by Dennis Jagla, the Nunda Township Assessor. The assessor argued the appellant purchased the subject property in April 2011 for \$462,000. The assessor opined the appraisal should not be given a lot of weight because the appraiser neglected to include correct information regarding the subject property like its English basement, detached garage/pool house, three fireplaces, and Deeded interest in a waterfront lot located across the street from the residence. The assessor argued comparable #2 used by the appellant's appraiser is 1,597 square feet smaller in dwelling size than the subject.

The township assessor identified four comparable sales (#3 through #6) that met the same criteria (same school district and township, excluding river front) used by the appellant's appraiser. The assessor alleged the appraiser could have used these comparable sales, but chose not to. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size and features. They sold from July 2012 to June 2013 for prices ranging from \$381,800 to \$488,500 or from \$103.83 to \$122.13 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 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.

The Board gave little weight to the value conclusion of the appraisal submitted by the appellant. The Board finds comparable #2 and #3 are considerably smaller in dwelling size when compared to the subject and are simply not similar to the subject. Comparable #2 is considerably older in age than the subject. Additionally, the evidence shows the subject sold in April 2011 for \$462,000 or \$72,000 more than the concluded appraised value. The Board finds page 1 of the appraisal indicates the subject property is located in an area of stable market values, but the appraiser did not give any weight to the subject's sale price in rendering the final opinion of value. Finally, the appraiser concluded the comparables had adjusted sale prices ranging from \$124.29 to \$172.81 per square foot of living area including land, however; the appraiser concluded the subject had a market value of just \$97.55 per square foot of living area including land, which is considerably less than the adjusted comparable sales on a per square foot basis. These factors undermine the credibility of the appraiser's final value conclusion.

The Board finds comparable #1 contained in the appellant's appraisal and the four comparables submitted by the board of review were more similar when compared to the subject in location, land area, design, dwelling size, age and features. These comparables sold from July 2012 to June 2013 for prices ranging from \$333,850 to \$488,500 or from \$103.83 to \$122.13 per square foot of living area including land. The most similar comparable in the record is board of review comparable #6, which sold for \$488,500 or \$116.50 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$423,512 or \$105.93 per square foot of living area including land. The subject's estimated market value is supported by a preponderance of the most credible market value evidence contained in the record. Finally, the Board finds the subject's assessment is supported by its April 2011 sale price of \$462,000. Based on this record, the Board finds no reduction in the subject's assessment is warranted.

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.