



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

APPELLANT: Susan Chaffee
DOCKET NO.: 13-03811.001-R-1
PARCEL NO.: 14-36-226-007

The parties of record before the Property Tax Appeal Board are Susan Chaffee, 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: \$ 18,186
IMPR.: \$107,408
TOTAL: \$125,594

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 and stucco dwelling that contains 3,074 square feet of living area. The dwelling was built in 1997. Features include a full finished walkout basement, central air conditioning, a fireplace, a three-car garage and a swimming pool. The subject property has a 1.01 acre or 43,866 square foot 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 \$355,000 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. The appraiser identified three comparable sales located from .03 to 2.08 miles from the subject. The appraiser noted the

comparables are located in the same school district as 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 April 2012 to December 2012 for prices ranging from \$365,000 to \$410,000 or from \$99.56 to \$110.44 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in site size, view, exterior construction, condition, room count, dwelling size and various other features such as fireplaces, decks, porches, patios and lack of a swimming pool. After adjustments, the comparables had adjusted sale prices ranging from \$353,400 to \$369,650 or from \$96.40 to \$98.81 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 \$355,000 or \$115.49 per square foot of living area including land. 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 \$125,594 was disclosed. The subject's assessment reflects an estimated market value of \$376,707 or \$122.55 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 two comparable sales and a letter addressing the appeal. The evidence was prepared by Dennis Jagla, the Nunda Township Assessor. In pertinent part, the assessor argued appraisal comparable #2 does not have a walkout basement and all three comparable sales are over 550 square feet larger than the subject dwelling. According to the evidence submitted by the board of review, the appellant's appraiser used an incorrect dwelling size for comparable sale #3, which was not refuted by the appellant.

The township assessor identified two comparable sales (#4 and #5) that are located .09 to 1.1 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. They sold in May and June of 2013 for prices of \$365,000 and \$419,000 or \$117.56 and \$121.99 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 the land adjustment amounts applied to comparables #1 and #3 of \$5,000 and \$10,000 or only \$.98 and \$.92 per square foot of land area to be suspect and not supported by any objective market value evidence. The Board finds the condition adjustment applied to comparable #1 lacked explanation or corroborating evidence and was given no weight. The Board finds the adjustment applied to comparables #1 and #2 for exterior construction is not

supported by market evidence, such as a paired sales analysis. These factors undermine the credibility of the appraiser's final value conclusion.

The Board examined the raw the sales data for the five comparable sales contained in the record. The comparables had varying degrees of similarity when compared to the subject in location, land area, design, dwelling size, age and features. These comparables sold from April 2012 to June 2013 for prices ranging from \$365,000 to \$419,000 or from \$109.60 to \$121.99 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$376,707 or \$122.55 per square foot of living area including land. The subject's estimated market value falls within the range established by the comparable sales on an overall basis, but above the range on a per square foot basis. After considering logical adjustments to the comparables for differences to the subject, such as dwelling size and features, the board finds the subject's estimated market value is justified. Moreover, the subject dwelling is smaller in dwelling size than all the comparables contained in the record. Accepted real estate valuation theory provides, all other factors being equal, as the size of a property increases, its per unit value decreases. Likewise, as the size of a property decreases, its per unit value increases. Based on this analysis, the Board finds the subject's higher per square foot value, as reflected by its assessment, is well justified given its smaller size. 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.