



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

APPELLANT: Younan Hamwi
DOCKET NO.: 13-03813.001-R-1
PARCEL NO.: 14-20-176-003

The parties of record before the Property Tax Appeal Board are Younan Hamwi, 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: \$49,647
IMPR.: \$205,051
TOTAL: \$254,698

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 exterior construction with 5,858 square feet of living area. The dwelling was constructed in 2007.¹ Features of the home include a full unfinished English-style basement, central air conditioning, two fireplaces, a three-car garage and a basketball court. The property has a 1.65-acre or 71,961 square foot site and is located in Crystal Lake, Nunda 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 \$730,000 as of January 1, 2013.

¹ The appellant's appraiser reported the subject dwelling was 11 years old which would mean it was built in 2002. The assessing officials provided a copy of the subject's property record card that revealed a year of construction of 2007. The Board finds the assessing officials provided the best evidence of the subject's year of construction.

Utilizing the sales comparison approach to value to develop his opinion, the appraiser Charles Walsh analyzed four comparable properties located within 3.4-miles of the subject. The comparable parcels range in size from 51,836 to 135,036 square feet of land area and are each improved with a two-story dwelling. The homes range in age from 6 to 14 years old and range in size from 4,220 to 5,463 square feet of living area. Each comparable has a full basement, either a walkout-style or an English-style and three of the homes have finished basement areas. The homes feature central air conditioning, two or three fireplaces and a three-car or a four-car garage. Comparable #2 also has an in-ground swimming pool. The appraisal report referred to what the assessors have as a basketball court as a tennis court.² These comparable properties sold between August 2012 and July 2013 for prices ranging from \$728,625 to \$831,000 or from \$133.37 to \$196.92 per square foot of living area, including land.

The appraiser adjusted the comparables for differences in land area, room count, dwelling size, basement finish, walkout basement feature, garage size, number of fireplaces and a \$25,000 downward adjustment to each property for "superior" landscaping/woods. As part of the report, the appraiser described that subject as being a flat parcel, void of any trees whereas the comparables are "superior in wooded, rolling sites" with superior landscaping with "much more demand on the market" for these comparable properties. From this process the appraiser arrived at adjusted sales prices ranging from \$630,950 to \$803,330 or from \$115.50 to \$190.36 per square foot of living area, including land.

Based on this evidence, the appellant requested an assessment reflective of the appraised value of \$730,000 or \$124.62 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 \$254,698. The subject's assessment reflects a market value of \$763,941 or \$130.41 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 data gathered and prepared by the township assessor indicated that the subject property has a fair market value that is approximately \$100,000 higher than its current assessment. As to the appellant's appraisal report, the assessor noted there was no sketch of the subject dwelling and no photographs of the comparable properties. Appraisal sale #3 was a "contract sale" that was not yet recorded in McHenry County; the assessor included a 'closed' Multiple Listing Service data sheet for the property reflecting a sale price of \$749,000 which was greater than its asking price of \$739,000.

In support of its contention of the correct assessment the board of review submitted a grid analysis of the four sales from the appellant's appraisal information and one additional comparable sale selected by the township assessor. The additional comparable sale #5 consists of a 2.37-acre parcel that is improved with a two-story frame and brick dwelling built in 2004.

² The assessing officials included a color photograph which depicts a colorfully painted surface with basketball/free throw markings, basketball hoops at both short ends of the surface and netting stretched across the center that may enable the playing of tennis.

The home contains 5,247 square feet of living area with a walkout-style basement with finished area. The home has central air conditioning, four fireplaces and a four-car garage. This property sold in April 2013 for \$1,085,000 or for \$206.78 per square foot of living area, including land.

The assessor reported all five sales in the record reflect a median sale price of \$785,000 or \$154.56 per square foot of living area, including land. The sales reflect an average sale price of \$835,725. Both the average and median sale prices are greater than the subject's estimated market value as reflected by its assessment.

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

As to the adjustments to the comparable properties made by the appellant's appraiser for "landscaping/woods," the Board finds the appraiser did not include or present any supportive market value data to establish that the subject's flat, non-wooded location has an effect on the market value of the subject property. As a consequence of the appraiser's failure to support the substantial "landscaping/woods" adjustment that was made to each comparable, the Board finds that the appraisal value conclusion is not credible. Additionally, the Board finds the appraiser provided no market support for a \$20,000 downward adjustment to comparable dwellings with one additional car space in the garages of the properties. Furthermore, two of the four sales examined by the appellant's appraiser were substantially smaller than the subject dwelling which further detracts from the validity of the value conclusion in the appraisal report. As a result, the Property Tax Appeal Board has given the value conclusion little weight in its analysis.

Instead, the Board will examine the raw sales data on the five comparables in the record. The Board has given reduced weight to appraisal sales #1 and #4 due to differences in dwelling size when compared to the subject. The three remaining comparables sold in March 2013 and April 2013 for prices ranging from \$728,625 to \$1,085,000 or from \$133.37 to \$206.78 per square foot of living area, including land. The subject's assessment reflects a market value of \$763,941 or \$130.41 per square foot of living area, including land, which is within the range established by the comparable sales in the record in terms of overall value and slightly below the range on a per-square-foot basis which appears logical and justified given the subject's larger dwelling size as compared to these three comparable dwellings. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. 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.