



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

APPELLANT: Richard Binek
DOCKET NO.: 14-02629.001-R-1
PARCEL NO.: 19-11-380-007

The parties of record before the Property Tax Appeal Board are Richard Binek, the appellant; 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: \$14,182
IMPR.: \$67,004
TOTAL: \$81,186

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 2014 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 is improved with a two-story dwelling of frame construction with 2,826 square feet of living area. The dwelling was constructed in 1994. Features of the home include a finished basement, central air conditioning, one fireplace and a two-car garage attached garage with 441 square feet of building area. The property has a 10,864 square foot site and is located in Cary, Algonquin Township, McHenry County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on January 22, 2013 for a price of \$195,101. The appellant completed Section IV – Recent Sale Data of the appeal disclosing the property was purchased from the Federal National Mortgage Association, the property was sold through a Realtor, the property was advertised for sale in the Multiple Listing Service (MLS) and had been on the market for four months. The appellant also indicated the

property was purchased out of foreclosure. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$81,186. The subject's assessment reflects a market value of \$243,363 or \$86.12 per square foot of living area, land included, when using the 2014 three year average median level of assessment for McHenry County of 33.36% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a copy of the subject's property record card, a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's sale and information on six comparable sales. The transfer declaration disclosed the subject property was purchased in January 2013 for a price of \$195,101. The document also indicated the subject property had been advertised for sale and further noted the sale was a Bank REO (real estate owned).

The six comparable sales were improved with two-story dwellings located in the subject's subdivision of frame construction that ranged in size from 2,583 to 2,814 square feet of living area. The dwellings ranged in age from 18 to 24 years old. Each comparable has a basement with three having finished area, each comparable has central air conditioning, five comparables each have one fireplace and each comparable has a garage with 441 square feet of building area. The sales occurred from April 2012 to June 2014 for prices ranging from \$197,500 to \$275,000 or from \$75.62 to \$92.50 per square foot of living area, including land. The board of review also stated on the "Notes on Appeal" that, "Although subject sold in Jan. 2013, no evidence is offered for condition of property as of lien date."

The board of review indicated it was willing to stipulate to a revised assessment of \$71,326.

The appellant was notified of the board of review proposed revised assessment and rejected the same. The appellant explained that the only things done to the property was to paint the whole house and steam clean all the carpeting. The appellant asserted the subject dwelling was a nice, well kept, home. In rebuttal to the proposed stipulation the appellant also provided information on additional comparables. Section 1910.66(c) of the rules of the Property Tax Appeal Board provides:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Admin.Code 1910.66(c)).

Pursuant to this rule the Property Tax Appeal Board finds these new comparables provided by the appellant are improper rebuttal evidence, therefore, the Board will give no consideration to these new comparables in determining the correct assessment of the subject property.

The appellant also responded in rebuttal that the subject's MLS listing, which was submitted by the board of review, provided the description of the subject dwelling. The appellant asserted that

if you read the description in the listing and look at the photographs you come to the conclusion the home was in pretty good shape.

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 evidence in the record does not support a reduction to the subject's assessment.

The appellant provided evidence that the subject sold in January 2013 for a price of \$195,101. The record disclosed that the subject property had been advertised for sale on the open market and the parties to the transaction were not related. However, the sale of the subject property occurred approximately one year prior to the assessment date at issue and it was disclosed the sale was a Bank REO (real estate owned). The board of review submission included six comparable sales, however, the Property Tax Appeal Board gives little weight to board of review sales #1, #2 and #3 as these properties sold in April 2012 and July 2012, not proximate in time to the assessment date at issue. The sales that occurred most proximate in time to the assessment date included board of review sales #4 through #6. These properties were similar to the subject property in location, age, size and features. The sales occurred from June 2013 to June 2014 for prices ranging from \$235,000 to \$275,000 or from \$88.39 to \$92.50 per square foot of living area, including land. The subject's assessment reflects a market value of \$243,363 or \$86.12 per square foot of living area, including land, which is within the overall price range but below the range established by the best comparable sales in this record on a square foot basis. The Board gave less weight to the subject's sale due to the fact the sale occurred approximately one year prior to the assessment date at issue. Furthermore, the subject's purchase price of \$195,101 or \$69.04 per square foot of living area, including land, is significantly below the three best sales provided by the board of review suggesting the purchase price is not reflective of fair cash value as of January 1, 2014. Based on this record 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



Acting 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: December 23, 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.