



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

APPELLANT: Toni Todorov  
DOCKET NO.: 14-02918.001-R-1  
PARCEL NO.: 20-20-308-005

The parties of record before the Property Tax Appeal Board are Toni Todorov, 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:** \$12,167  
**IMPR.:** \$47,160  
**TOTAL:** \$59,327

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 1,792 square feet of living area. The dwelling was constructed in 1990. Features of the home include an unfinished basement, central air conditioning, one fireplace and a two-car attached garage. The property has a .242 acre site and is located in Fox River Grove, 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 November 27, 2013 for a price of \$166,000. To document the transaction the appellant submitted a copy of the settlement statement, a copy of the Multiple Listing Service (MLS) listing sheet and a copy of the Listing & Property History Report. Based on this evidence, the appellant requested the subject's assessment be reduced 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 \$59,327. The subject's assessment reflects a market value of \$177,839 or \$99.24 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 information on ten comparable sales identified by the township assessor improved with two-story dwellings of frame construction that ranged in size from 1,747 to 2,014 square feet of living area. The dwellings ranged in age from 25 to 30 years old. The comparables had similar features as the subject property and were located in the same subdivision as the subject property. The sales occurred from February 2013 to June 2014 for prices ranging from \$193,000 to \$257,000 or from \$104.32 to \$129.94 per square foot of living area, including land. Adjustments were made to the comparables for differences from the subject property to arrive at adjusted prices ranging from \$189,900 to \$241,700.

The board of review also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject property disclosing the seller was a government agency.

In rebuttal the appellant asserted the sale of the subject property was an arm's length transaction. The appellant also submitted an additional comparable. Section 1910.66(c) provides that:

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 will give no consideration to the new comparable sale submitted by the appellant in rebuttal.

### **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 Board finds the record contains evidence that the subject property sold in November 2013 for a price of \$166,000 or for \$92.63 per square foot of living area, including land. However, at the time of sale the property was described in the MLS as REO/Lender owned and both the settlement statement and transfer declaration indicated the property was sold by the Department of Veterans Affairs. Furthermore, the board or review provided information on ten comparable sales that had varying degrees of similarity to the subject property. These properties sold for prices ranging from \$193,000 to \$257,000 or from \$104.32 to \$129.94 per square foot of living

area, including land. These sales call into question whether the sale of the subject property was indicative of fair cash value. The subject's assessment reflects a market value of \$177,839 or \$99.24 per square foot of living area, including land, which is above the purchase price but below the range established by the comparable sales in this record. After considering the sale of the subject property and the comparable sales provided by the board of review, 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: May 20, 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.