



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

APPELLANT: Audrius Cepronas  
DOCKET NO.: 15-04152.001-R-1  
PARCEL NO.: 20-20-377-002

The parties of record before the Property Tax Appeal Board are Audrius Cepronas, the appellant, by attorney David C. Dunkin, of Arnstein & Lehr, LLP in Chicago, and the McHenry County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds A Reduction 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:** \$49,992  
**IMPR.:** \$56,536  
**TOTAL:** \$106,528

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 2015 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 dwelling of frame and brick exterior construction with 2,760 square feet of living area. The dwelling was constructed in 1957 and has a reported effective age of 1963. Features of the home include a partial basement, central air conditioning, two fireplaces and an attached 720 square foot garage. Additional features include an 800 square foot in-ground pool that was built in 1979 and a 700 square foot equipment shed. The property has a 2.65-acre site and is located in Barrington Hills, 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 April 17, 2013 for a price of \$320,000. The appellant reported the property was purchased from HSBC Bank USA after having been listing for sale with the Multiple Listing Service (MLS) for a period of 78 days. Documentation from the township assessor's website notes the sale was not qualified, sold by

government or a financial institution by Special Warranty Deed. A copy of the Settlement Statement reiterated the date of sale and sale price; the document also depicted the distribution of brokers' fees to two entities. A copy of the MLS data sheet depicts an original asking price for the subject property of \$349,000 on October 26, 2012.

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 \$123,972. The subject's assessment reflects a market value of \$372,400 or \$134.93 per square foot of living area, land included, when using the 2015 three year average median level of assessment for McHenry County of 33.29% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum prepared by the Algonquin Township Assessor's Office. The assessor reported the appellant was seeking an assessment reduction to the March, 2013 purchase price of the subject property of \$320,000. The assessor contends that since the purchase, the appellant has obtained a building permit to construct a second story addition of 933 square feet to the dwelling in 2014 as shown in Exhibit B. The assessor further contends that the addition was still under construction on January 1, 2015. The assessor further stated, "therefore the improvement assessment was assigned a partial for the 2015 assessment year." See Exhibit C. In conclusion, the assessor contends that the subject property did not have the same characteristics on January 1, 2015 as it did at the time of purchase.

Based on the 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the only evidence of market value in the record is the purchase of the subject property in March, 2013 for a price of \$320,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 78 days. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price of \$320,000 is below the market value reflected by the assessment of \$372,400. The Board further finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Moreover, the assessor's notation of a building permit and incomplete

second story addition fail to substantively address the appellant's overvaluation contention as there is no market value data presented with the board of review evidence to substantiate the subject's estimated market value as reflected by the assessment.

Based on this very limited market value record, the Board finds the only market value evidence results in the conclusion that the subject property had a market value of \$320,000 as of January 1, 2015. Since market value has been determined the 2015 three year average median level of assessment for McHenry County of 33.39% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Acting 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: November 21, 2017



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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