



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

APPELLANT: Mary Ann & John Stoeckert
DOCKET NO.: 15-04169.001-R-1
PARCEL NO.: 15-19-251-008

The parties of record before the Property Tax Appeal Board are Mary Ann & John Stoeckert, the appellants, by attorney Laura Godek in McHenry; 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: \$18,748
IMPR.: \$70,920
TOTAL: \$89,668

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 construction with 1,796 square feet of living area.¹ The dwelling was originally constructed in 1934 and had a second story addition erected in 2004. Features of the home include a crawl space foundation, central air conditioning, a fireplace and a detached two-car garage. The property has a .24-acre site and is located in McHenry, Nunda Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$210,000 as of January 1, 2015. The appraisal was prepared by Elyce M. Meador.

The appraiser described the subject dwelling as being in good condition with no repairs needed.

¹ The parties differ by 34 feet as to the size of the subject dwelling. The Board finds the parties' differences will not impact the Board's decision.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using four comparable sales. The comparables selected by the appellants' appraiser were improved with one ranch style dwelling and three two-story style dwellings that ranged in size from 1,288 to 1,770 square feet of living area. The dwellings ranged in age from 26 to 91 years old. Two comparables have crawl space foundations and two have basements with finished area. Three comparables have central air conditioning, three comparables have one or three fireplaces and three comparables have a two-car garage. The comparables have sites ranging in size from .20 to .80 of an acre of land area and were located from 1.75 to 4.26 miles from the subject property. The comparables sold from February 2014 to March 2015 for prices ranging from \$198,000 to \$240,000 or from \$111.86 to \$186.34 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject property to arrive at adjusted prices ranging from \$187,900 to \$238,420. Using these sales, the appraiser arrived at an estimated market value of \$210,000. The appellants requested the subject's assessment be reduced to \$69,993.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$89,668. The subject's assessment reflects a market value of \$269,354 or \$149.97 per square foot of living area including land, when using 1,796 square feet of living area and the 2015 three-year average median level of assessment for McHenry County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one and one-half story or two-story style dwellings that ranged in size from 1,879 to 2,205 square feet of living area. The comparables were constructed from 1920 to 1973. One comparable has a crawl space foundation and three have basements, one of which has finished area. Three comparables have central air conditioning, three have a fireplace and each has a two-car garage. The comparables have sites ranging in size from .24 to .57 of an acre of land area and were located from .87 of a mile to 3.38 miles from the subject property. The sales occurred from September 2014 to August 2015 for prices ranging from \$290,000 to \$420,000 or from \$145.89 to \$190.48 per square foot of living area, including land.

As to the appellants' evidence, the board of review argued that the appellants' appraisal included two sales that were not located in Nunda Township like the subject and requested the assessment be confirmed.

The appellants submitted rebuttal critiquing the board of review's submission.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value to be the board of review's comparables #1, #2 and #4. These comparable sales provided by the board of review were most similar to the subject in location, style, size, age and features. These properties sold in September 2014 or March 2015 for prices ranging from \$290,000 to \$339,900 or from \$145.89 to \$158.34 per square foot of living area, including land. The subject's assessment reflects a market value of \$269,354 or \$149.97, which is below the range established by the best sales in the record on a total market value basis and within the range on a per square foot basis. The Board gave less weight to the appellants' appraisal. Appellants' appraisal comparable #1 was a dissimilar one story style dwelling, but the appraiser made no adjustment for style. The appraiser did adjust this comparable due to its lot size, as this property's lot is over three times that of the subject. However, the appraiser stated in the report that this sale was used due to its similar size, **lot size** and overall appeal. The Board finds this to be contradictory and reduces the credibility of the report. Appraisal comparable #2's Multiple Listing Service (MLS) data sheet revealed, "Price on listing reflects need of new seawall and moisture in heavy rain in crawl/basement-outside access." However, the appraiser made no adjustment for condition and listed this comparable's condition as "Good" like the subject's condition. Again, this appears to be contradictory and reduces the credibility of the report. Appraisal comparable #3's MLS data sheet revealed, "Small part of lot in flood plain-house is not." The Board finds a comment or site adjustment should have been addressed in the report. In addition, this comparable has a 1,008 square foot basement with finished area, unlike the subject. Appraisal comparable #4 was reported to have 1,288 square feet of living area, which the Multiple Listing Service (MLS) data sheet revealed the source as "Estimated." The board of review reports this comparable has 1,058 square foot of living area. Notwithstanding the discrepancy, the Board finds both reported sizes are considerably smaller than the subject, in addition to this comparable having finished basement area with a walkout feature, unlike the subject. Finally, the Board gave less weight to the board of review's comparable sale #3 due to its dissimilar basement feature that has finished area, unlike the subject. Based on the evidence in this record, the Board finds the subject's assessment is supported and 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. 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



Member



Acting 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: December 19, 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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