



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

APPELLANT: Ross Teresi  
DOCKET NO.: 15-04505.001-R-1  
PARCEL NO.: 09-25-102-021

The parties of record before the Property Tax Appeal Board are Ross Teresi, the appellant, by attorney George J. Relias, of Relias & Tsonis, LLC 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 **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:** \$12,208  
**IMPR.:** \$86,527  
**TOTAL:** \$98,735

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 construction with 2,315 square feet of living area. The dwelling was constructed in 2005. Features of the home include a basement, central air conditioning, a fireplace and a 420 square foot garage. The property has a 5,610 square foot site and is located in McHenry, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within .9 of a mile of the subject. The comparables consist of two-story frame dwellings that were built between 1991 and 2015. The homes range in size from 1,914 to 2,370 square feet of living area and feature basements. Two of the homes have central air conditioning and one has a fireplace. Each home has a garage, although one is described as 52 square feet of building area. The comparables sold

between June 2014 and August 2015 for prices ranging from \$129,500 to \$232,000 or from \$67.66 to \$101.98 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$69,608 which would reflect a market value of approximately \$208,824 or \$90.20 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 \$98,735. The subject's assessment reflects a market value of \$296,235 or \$127.96 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

In response to the appeal, the board of review submitted a memorandum and data gathered by Mary Mahady, the McHenry Township Assessor. The assessor noted the subject property is located on the Fox River. The assessor argued that none of the appellant's comparable sale properties are located on the waterfront like the subject.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on two comparable "waterfront" sales that bracket the subject's estimated market value and which are similar in size and location, "although older homes." The comparables are a part one-story and part two-story and a two-story dwelling. Each home is of frame construction and the homes were built in 1930 and 1965. The homes contain 2,184 and 2,838 square feet of living area, respectively. Neither home has a basement, but each has central air conditioning, a fireplace and a two-car or a three-car garage. The comparables sold in April 2015 and August 2015 for prices of \$289,900 and \$334,900 or for \$118.01 and \$132.74 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant asserted that the "original complaint" was based upon seven comparable sales, a copy of which was attached to the rebuttal. The documentation is entitled "Residential Attachment to McHenry County Appeal Form." As indicated by the title, this was not the evidence presented by the appellant to the Property Tax Appeal Board with the Residential Appeal petition that was postmarked on March 31, 2016.

Despite the argument in rebuttal citing to three of these seven comparables as "waterfront" properties, pursuant to the rules of the Property Tax Appeal Board, the Board cannot consider these comparables. Moreover, the Board finds that two of these three "waterfront" properties are the same properties as the two sales presented by the board of review. As set forth in the rules, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In essence, given the record in this appeal, the cited comparables by the appellant in rebuttal (i.e., one new sale in the record) is "new evidence" before the Property Tax Appeal Board and cannot be considered.

**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 parties submitted a total of five comparable sales to support their respective positions before the Property Tax Appeal Board. The Board finds none of the comparables are particularly similar to the subject in age and/or size and the appellant's comparables lack the waterfront amenity of the subject. These five comparables sold between June 2014 and August 2015 for prices ranging from \$129,500 to \$334,900 or from \$67.66 to \$146.43 per square foot of living area, including land. The subject's assessment reflects a market value of \$296,235 or \$127.96 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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



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: \_\_\_\_\_

February 24, 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 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.