



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

APPELLANT: Sergio Angeles  
DOCKET NO.: 15-05176.001-R-1  
PARCEL NO.: 19-13-226-018

The parties of record before the Property Tax Appeal Board are Sergio Angeles, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC 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 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:** \$10,132  
**IMPR.:** \$18,198  
**TOTAL:** \$28,330

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 one-story dwelling of frame construction with 850 square feet of living area. The dwelling was constructed in 1958. Features of the home include a full basement that is 60% finished<sup>1</sup>, central air conditioning, a fireplace and a 264 square foot garage. The property has an 8,679 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 December 13, 2013 for a price of \$85,000.

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<sup>1</sup> The parties differ as to the amount of finished basement area in the subject dwelling. The Board finds the best evidence is the appellant's appraiser's acknowledgement that the subject's basement is 60% finished based on an interior inspection of the subject.

The appellant's submission included an appraisal of the subject property estimating the subject had a market value of \$85,000 as of November 7, 2013. Additionally, the appellant submitted a grid analysis comprised of 11 comparable sales, two of which were included in the appellant's appraisal. The sales occurred from February 2014 to December 2015 for prices ranging from \$70,000 to \$105,000 or \$69.16 to \$100.96 per square foot of living area including land.

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 \$36,093. The subject's assessment reflects a market value of \$108,420 or \$127.55 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.

As to the appellant's evidence, the board of review argued that the subject's sale occurred more than one year from the lien date, was a short sale and its sale price is below the market values of the appraisal's comparables and the assessor's comparables.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales that occurred from April 2014 to June 2015 for prices ranging from \$112,000 to \$155,900 or \$105.26 to \$191.05 per square foot of living area including land.

The appellant submitted rebuttal arguing that three of the board of review's comparables were superior to the subject due to being updated prior to their sale.

The board of review submitted surrebuttal with revised data addressing the issues raised in the appellant's 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in December 2013 for a price of \$85,000, which occurred one year and 18 days prior to the January 1, 2015 assessment date. 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 143 days. In further support of the transaction the appellant submitted a copy of the sales contract, settlement statement, Multiple Listing Service (MLS) sheet and the MLS listing history. The MLS history revealed the subject was originally

listed in February 2013 for \$130,000. After three reductions, the final asking price of the subject was \$69,900 in December 2013. The appellant's appraisal report supports the subject's sale price and disclosed that the subject has not been updated in the last 15 years. Furthermore, the appellant submitted an affidavit acknowledging that the subject was not updated prior to its sale, except for minor paint work. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any credible evidence to challenge the arm's length nature of the transaction, other than arguing the sale occurred over one year from the assessment date at issue. The Board gave less weight to the parties' comparable sales evidence, as this evidence does not overcome the subject's arm's length sale transaction that occurred one year and 18 days prior to the January 1, 2015 assessment date. Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment commensurate with the appellant's request is 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: February 20, 2018



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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