



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

APPELLANT: Stavroula Kondos  
DOCKET NO.: 15-06399.001-R-1  
PARCEL NO.: 18-25-204-017

The parties of record before the Property Tax Appeal Board are Stavroula Kondos, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich; 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:** \$ 17,840  
**IMPR.:** \$125,226  
**TOTAL:** \$143,066

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 brick exterior construction that has 3,597 square feet of living area. The dwelling was built in 1991. Features include a basement, central air conditioning, two fireplaces and an 867 square foot garage. The subject has an 18,635 square foot site. The subject property is located in Grafton Township, McHenry County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a "Property Tax Analysis" of four comparable sales. Neither the name nor the professional credentials of the person(s) who prepared the analysis was disclosed. The comparables are located from .12 to .57 of a mile from the subject property. Based on the photographic evidence, the comparables are comprised of two-story dwellings of brick exterior construction. The dwellings were built from 1996 to 2004. Features had varying degrees of similarity when compared to the subject. The

dwellings range in size from 3,602 to 4,217 square feet of living area, but their site sizes were not disclosed. The comparables sold from September 2014 to March 2015 for prices ranging from \$290,000 to \$450,000 or from \$75.86 to \$110.21 per square foot of living area including land. The analysis included "Property Equalization Values" (adjustments) to the comparables for sale date, land<sup>1</sup>, age, square footage, basement area, fireplaces and garages. No explanation pertaining to the source or calculation of the adjustment amounts was provided. The adjustments resulted in adjusted sales prices ranging from \$273,976 to \$386,329 or from \$76.17 to \$107.40 per square foot of living area including land.<sup>2</sup> Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$367,030 or \$102.04 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$143,066. The subject's assessment reflects an estimated market value of \$429,757 or \$119.48 per square foot of living area including land when applying McHenry County's 2015 three-year average median level of assessment of 33.29%. In support of the subject's assessment, the board of review submitted a letter from the deputy township assessor addressing the appeal and an analysis three comparable sales. One comparable was also used by the appellant.

The comparables are located in the same subdivision as the subject. The comparables are composed of two-story dwellings of brick and frame exterior construction that were built from 1991 to 1999. Features had varying degrees of similarity when compared to the subject. The dwellings range in size from 3,447 to 4,083 square feet of living area, but their site sizes were not disclosed. The comparables sold in September 2014 or March 2015 for prices ranging from \$450,000 to \$485,000 or from \$110.21 to \$140.70 per square foot of living area including land.

With respect to the appellant's evidence, the township assessor argued comparables #1 and #3 sold under REO terms and comparables #1 and #4 have "external depreciation." Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant argued that the Property Tax Appeal Board shall consider compulsory sales pursuant to Section 16-183 of the Property Tax Code (35 ILCS 200/16-183). The appellant's counsel argued the Property Tax Appeal Board uses an analysis system that looks at the range of sale price per square footage of comparable sales that it deems to be best, "without any equalizations." The appellant's counsel contends using this method does not take into account the fundamental concept of using a median sale price per square foot to determine market value. The appellant's counsel argued that if just one comparable sale is above the subject's value per square foot, the Property Tax Appeal Board has decided that the subject property is fairly assessed without regard to the number of best comparable sales or the median

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<sup>1</sup> The Board finds this adjustment highly suspect since neither the subject's or comparables' land sizes were disclosed in the comparative analysis.

<sup>2</sup> The Board finds whomever prepared the comparative analysis miscalculated the comparables' adjusted per square foot sale prices. Based on the comparables' adjusted sale prices in the "Property Tax Analysis," the comparables had adjusted sale prices ranging from \$71.67 to \$103.41 per square foot of living area including land. From a review of the evidence, the Board finds whomever prepared the comparative analyses incorrectly divided the adjusted sale prices by the subject's dwelling size when calculating the per square foot adjusted sale prices.

sale price per square foot of those comparable sales. The appellant argued that using the median price per square foot is more accurate and should be the standard practice for determining fair market value.

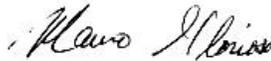
### **Conclusion of Law**

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 failed to meet this burden of proof.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellant's argument that the Board should adopt the standard practice of using the median sale price per square foot of living area including land of those comparables deemed best in determining fair market value because it is a more accurate method. The decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not the simplistic statistical formula of using the median sale price per square foot of living area including land of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Commonwealth Edison Co. v. Property Tax Appeal Board, 102 Ill. 2d 443 (1984); Mead v. Board of Review, 143 Ill.App.3d 1088, 1095, 98 Ill.Dec. 244, 494 N.E.2d 171 (1986)).

The parties submitted six comparable sales for the Board's consideration. The land sizes of both parties' comparables were not disclosed. One comparable was used by both parties. The Board gave less weight to appellant's comparables #1, #3 and #4. The sale price for comparable #1 of \$290,000 is an outlier because it sold for considerably less than all the other comparable sales contained in the record. Comparable #3 is larger in dwelling size when compared to the subject and sold for a greater price than the subject's estimated market value as reflected by its assessment. Comparable #4 is dissimilar in age when compared to the subject. The Board finds the three remaining comparables were more similar when compared to the subject in location, design, age, dwelling size and features. These comparables sold in September 2014 or May 2015 for prices ranging from \$450,000 to \$485,000 or from \$110.21 to \$140.70 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$429,757 or \$119.48 per square foot of living area including land, which falls below the range established by the most similar comparable sales contained in this record on an overall basis and within the range on a per square foot basis. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction in the subject's assessment is warranted.

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: January 16, 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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