



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

APPELLANT: Thomas & Deborah Losey
DOCKET NO.: 15-06405.001-R-1
PARCEL NO.: 17-28-452-002

The parties of record before the Property Tax Appeal Board are Thomas and Deborah Losey, the appellants, by attorney Jessica Hill-Magiera 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: \$13,978
IMPR.: \$94,928
TOTAL: \$108,906

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 is improved with a part 2-story, part 1-story and part 1.5-story single family dwelling of frame construction containing 2,393 square feet of living area. The dwelling was constructed in 2001. Features of the home include an unfinished basement, central air conditioning, one fireplace and an integral garage with 504 square feet of building area. The subject property also has a detached garage with 1,160 square feet of building area. The property has a one-acre site and is in Marengo, Coral Township, McHenry County.

The appellants contend overvaluation and assessment inequity with respect to the subject's improvement as the bases of the appeal. In support of the overvaluation argument the appellants submitted an analysis using three comparable sales improved with two-story dwellings that had either 2,400 or 2,800 square feet of living area and were constructed from 1988 to 2003. Each comparable is located in Huntley. Each comparable has an unfinished basement and a garage

with 726 square feet of building area. The comparables sold from October 2014 to February 2015 for prices ranging from \$239,350 to \$265,000 or from \$85.48 to \$110.42 per square foot of living area, including land. The appellants' analysis included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$206,140 to \$253,195. To document the sales the appellants submitted a copy of the Multiple Listing Service (MLS) listing sheet for each comparable. The listing sheets disclosed that comparable #1 was a short sale while comparables #2 and #3 were identified as REO/Lender Owned. Additionally, the analysis provided by the appellants did not include any adjustment to the comparables due to the subject's additional detached garage. Based on this analysis the appellants made a market value request of \$209,863 and an assessment request of \$69,947.

With respect to the assessment inequity argument the appellants submitted information on six comparables improved with two-story dwellings that range in size from 2,400 to 2,800 square feet of living area. The comparables were located in Marengo and Huntley and were constructed from 1993 to 2003. Each comparable has a basement and a garage with either 726 or 810 square feet of building area. The comparables have improvement assessments ranging from \$47,099 to \$75,577 or from \$19.37 to \$30.88 per square foot of living area. The appellants indicated the comparables have a median assessment of \$27.36 per square foot of living area and an average assessed value of \$26.27 per square foot of living area. Based on this analysis the appellants noted the subject's assessment should be reduced to \$79,452.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$108,906. The subject's assessment reflects a market value of \$327,143 or \$136.71 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. The subject property has an improvement assessment of \$94,928 or \$39.67 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the township assessor that were improved with part two-story and part one-story dwellings that range in size from 2,390 to 2,647 square feet of living area. The dwellings were constructed from 1972 to 2002. Each comparable has a basement with two having finished area, one fireplace and a two-car or a three-car garage. One comparable has an additional detached garage with 810 square feet of building area and another comparable has in-ground swimming pool. The comparables were located in Marengo and Huntley. The sales occurred from August 2013 to May 2015 for prices ranging from \$290,000 to \$399,000 or from \$109.56 to \$160.43 per square foot of living area, including land. The analysis included adjustments to the comparables for differences from the subject property resulting in adjusted prices ranging from \$310,500 to \$408,271.

With respect to the assessment inequity argument the board of review provided information on three comparables located in the subject's subdivision improved with two, 2-story dwellings and one part 2-story and part 1-story dwellings of frame and brick construction that range in size from 2,296 to 2,606 square feet of living area. The dwellings were constructed in 2001 or 2002. Each comparable has a basement, one or two fireplaces and a garage ranging in size from 542 to 837 square feet of building area. These properties have improvement assessments ranging from \$88,472 to \$97,548 or from \$37.43 to \$38.53 per square foot of living area.

In rebuttal, the appellants' counsel contends the board of review equity comparables support a reduction to the subject's assessment.

Conclusion of Law

The appellants contend in part 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 on this basis.

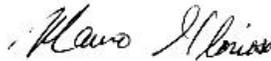
The parties submitted information on eight comparable sales to support their respective positions. The Board gives less weight to appellants' comparable #1 and board of review comparable #5 due to differences from the subject property in age. The Board gave less weight to board of review comparable #4 due to the fact the transaction occurred in August 2013, not proximate in time to the assessment date at issue. The record further disclosed that appellants' sales #2 and #3 were REO/Lender Owned at the time of sale which calls into question the arm's length nature of the transactions. Nevertheless, appellants' sales #2 and #3 and board of review sales #1, #2, and #3 sold for prices ranging from \$255,000 to \$371,000 or from \$91.07 to \$152.61 per square foot of living area, including land. The Board finds that four of these comparables did not have an additional detached garage as does the subject property and comparable #1 had a smaller detached garage than the subject property, which would require an upward adjustment to their prices for the subject's superior feature. The subject's assessment reflects a market value of \$327,143 or \$136.71 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and well supported given the subject's features. Based on this evidence the Board finds a reduction in the subject's assessment is not justified based on overvaluation.

The appellants also contend in part assessment inequity with respect to the improvement assessment as a basis of the appeal. Taxpayers who object to an assessment based on a lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). The Board finds the appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The record contains nine comparables submitted by the parties to support their respective positions. The comparables were similar to the subject property in style, size and features with the exception none of the comparables has an additional 1,160 square foot detached garage as does the subject property. The comparables have improvement assessments ranging from \$47,099 to \$97,548 or from \$19.37 to \$38.53 per square foot of living area. Those comparables most similar to the subject property in location were provided by the board of review. These three comparables have improvement assessments ranging from \$89,743 to \$97,548 or \$37.43 and \$38.53 per square foot of living area. The subject property has an improvement assessment of \$94,928 or \$39.67 per square foot of living area, which is within the overall range but above the range established by the comparables on a square foot basis. The Board finds, however, that

the subject property has an additional detached garage, which would require an upward adjustment to the comparables to account for this superior feature justifying the subject's higher improvement assessment on a per square foot basis. After considering the differing features and the different locations of the comparables submitted by the parties, the Property Tax Appeal Board finds the appellants did not demonstrate with clear and convincing evidence that the subject improvement was inequitably assessed.

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

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