



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

APPELLANT: Tracey Padula
DOCKET NO.: 16-02786.001-R-1
PARCEL NO.: 18-13-485-013

The parties of record before the Property Tax Appeal Board are Tracey Padula, the appellant, by attorney Gregory Riggs of Tax Appeals Lake County 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: \$8,237
IMPR.: \$63,254
TOTAL: \$71,491

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 2016 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 containing 1,732 square feet of living area. The dwelling was built 19 years ago. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a two-car garage. The property has a 11,623-square foot site and is located in Crystal Lake, Grafton 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 the same subdivision. The comparables are described as two-story single-family dwellings of frame construction containing 1,749 square feet of living area. The dwellings were built 19 years ago. Features of the comparables include partial basements with a finished area and central air conditioning. One dwelling features a fireplace and each dwelling has a two-car garage. The properties have sites

of either 8,400 or 8,712 square feet of land area. The comparables sold from April 2015 to January 2016 for prices ranging from \$175,000 to \$190,000 or from \$101.80 to \$110.53 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$71,491. The subject's assessment reflects a market value of \$214,752 or \$123.99 per square foot of living area, land included, when using the 2016 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 three comparable sales located within the same neighborhood code/subdivision as the subject property as defined by the local assessor. The comparables are improved with two-story single-family dwellings of frame construction that range in size from 1,719 to 1,860 square feet of living area. The dwellings were constructed from 1995 to 1997. Features of the comparables include a partial unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 440 to 665 square feet of building area. The properties' lot sizes were not disclosed.¹ The comparables sold from February 2016 to May 2016 for prices ranging from \$210,000 to \$247,500 or from \$120.07 to \$143.98 per square foot of living area, including land. The board of review also submitted an opinion letter from the township assessor arguing that the appellant failed to meet his burden of proof due to the three comparable he submitted being compulsory sales and therefore not arms-length sales. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

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 Board finds the parties submitted for the Board's consideration a total of six suggested sale comparables with various degrees of similarity to the subject property. As to the board of review's request to give no weight to the appellant's comparables, Section 16-183 of the Illinois Property Tax Code states as follows:

The Property Tax Appeal Board *shall* consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer (emphasis added). (35 ILCS 200/16-183).

¹ The board of review's grid analysis described two of the comparable lots as "standard" (the same as the subject) and one comparable lot as "superior". The Board finds that the land assessment of the comparables was the same or proximate in value to the subject's land assessment and, therefore, gives the comparables appropriate weight.

The Board finds that appellant's comparables #1 and #3 were short sales and comparable #2 was sold out of a foreclosure. However, the evidence in this record indicates that all three properties were advertised for sale by real estate agents, have been on the market between six and twelve months and sold for prices proximate to their listing price. Moreover, there is no evidence that the buyers and sellers were related. Therefore, the Board finds that the appellant's comparables met the elements of an arm's length transaction and were given appropriate weight.

The Board finds the best evidence of market value to be all six comparables submitted by both parties. Although appellant's comparables have superior partially finished basements unlike the subject, and board of review comparable #1 has a "superior" lot as defined by the local assessor, the Board finds these comparables are similar to the subject in location, site size, dwelling size, age, design and most features. These comparables sold between April 2015 and May 2016 for prices ranging from \$175,000 to \$247,500 or between \$101.80 to \$143.98 per square foot of living area, including land. The subject's assessment reflects a market value of \$214,752 or \$123.99 per square foot of living area, including land, which is within the range established by the comparable sales in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds that the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued. Therefore, the Board finds that the subject's estimated market value as reflected by its assessment is supported and no reduction in the subject's assessment 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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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

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: April 23, 2019



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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