



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

APPELLANT: Chuck & Judy Hillstrom
DOCKET NO.: 16-05247.001-R-1
PARCEL NO.: 09-24-377-006

The parties of record before the Property Tax Appeal Board are Chuck & Judy Hillstrom, the appellants; 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 prorated assessment of the property as established by the **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$34,417
IMPR.: \$36,929
TOTAL: \$71,346

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 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 part two-story and part one-story dwelling of frame construction with 2,597¹ square feet of living area. The dwelling was constructed in approximately 2016.² Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a one-car garage. The river waterfront property has a 22,087 square foot site and is located in McHenry, McHenry Township, McHenry County.

The appellants contend overvaluation and assessment inequity as the bases of the appeal.³ In support of the market value argument and the inequity argument the appellants submitted

¹ The appellants reported a size of 2,435 square feet of living area. The Board finds this discrepancy will not impact the Board's decision herein.

² Certificate of Occupancy issued July 11, 2016.

³ The appellants' evidence includes a submission of alternative arguments regarding fraud, due process and Constitutional issues. Property Tax Appeal Board rule 1910.50 states "Each appeal shall be limited to the grounds

information on four comparable sales. The comparables are located within one mile of the subject property on lots ranging from approximately 12,000 to 14,000 square feet of land area. The comparables consist of two-story frame dwellings described as new. The comparables range in size from 2,160 to 2,808 square feet of living area with partial basements. Each comparable has air conditioning and a garage ranging from 400 to 630 square feet of building area. The comparables sold from August 2014 to June 2015 for prices ranging from \$215,990 to \$275,000 or from \$94.30 to \$100.00 per square foot of living area, including land. The comparables are described as each having a land assessment of \$10,510 or approximately ranging from \$0.75 to \$0.88 per square foot of land area. The same comparables have improvement assessments ranging from \$64,936 to \$73,399 or from \$26.14 to \$30.06 per square foot of living area, including land. Based on this evidence, the appellants requested a full assessment of \$81,570 and a prorated assessment of \$47,944.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total prorated assessment for the subject of \$80,521. The subject's prorated assessment reflects a full market value of approximately \$394,227 or \$151.80 per square foot of living area, including land when using the statutory level of assessments of 33.33%. The subject's assessment was prorated for its date of occupancy of July 11, 2016 to \$80,521.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales of waterfront homes.⁴ The comparables' proximity to the subject was not disclosed, however, one comparable is located on the same street as the subject. The comparables are situated on waterfront lots ranging in size from 11,589 to 26,116 square feet of land area. The comparables consist of part one-story and part two-story, or part one and one-half-story and part two-story or a two-story dwelling. The homes are frame or brick and frame dwellings built from 1900 to 1991 and range in size from 2,098 to 3,149 square feet of living area. Each home features air conditioning, one or two fireplaces and a garage ranging in size from one-car to three cars. One comparable has a partial basement with finished area included. The comparables sold from April 2015 to March 2016 for prices ranging from \$330,000 to \$472,500 or from \$146.08 to \$202.79 per square foot of living area, including land.

The evidence in this record depicts the subject was under construction in 2015 during which time an older home on the subject site was being demolished. Various concessions were made during the subject's construction due to limitations caused by the subject's lot size, and as such the subject's original building plans were altered to exclude a two-car garage, asphalt driveway and sidewalks. In addition, a shed was described as being incorrectly shown on the subject's property record card along with an elevator. The board of review stated the shed had no value assigned to it and the elevator was not being assessed as it had not been installed. Further, the County incorrectly issued a ten-day notice for fire damage regarding the demolition of the former dwelling. Various certificates of errors were issued to correct factual findings.

Conclusion of Law

listed in the petition filed with the Board." (Section 16-180 of the Code). Therefore, the Board will limit its decision to the bases of comparable sales and assessment equity as marked on the appeal petition.

⁴ The board of review did not address the appellants' inequity argument.

The appellants argued unequal treatment in the assessment process regarding the subject's land and improvement as one basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have met this burden by clear and convincing evidence regarding the subject's improvement.

The Board finds the appellants submitted four comparables in support of their inequity argument. The Board further finds the board of review failed to submit equity evidence in support of the subject's assessment other than to state "[t]he same four properties were used for assessment comparison but again, as they are not in the neighborhood (river front properties) they are not an equal comparison to the subject." The Board finds the difference in value between a riverfront home and one located inland would be indicated in the land value with all other things being equal.

The Board initially finds the land comparables submitted by the appellants were dissimilar to the subject in location and not waterfront properties like the subject. Therefore, the Board finds the appellants have not shown with clear and convincing evidence that the subject's land assessment is inequitable, and no reduction is warranted.

The Board finds the subject improvement assessment is indicated by taking the subject's prorated improvement assessment to full value for comparison purposes. The subject's full assessed value of \$131,238 less a land assessed value of \$34,417 depicts a full improvement assessment of \$96,821 or \$37.28 per square foot of living area. The Board finds the best evidence of the subject's improvement assessment is found utilizing the appellants' comparables #2 through #4. Comparable #1 was given less weight based on its dissimilar size when compared to the subject. Appellants' comparables #2 through #4 had improvement assessments ranging from \$64,936 to \$73,304 or from \$28.38 to \$30.06 per square foot of living area. The Board finds the subject's full improvement assessment of \$96,821 or \$37.28 per square foot of living area is above the range established in this record. The board of review did not submit evidence of assessment equity or uniformity in support of its assessment. Based on this record the Board finds the subject's improvement assessment is inequitable and a reduction in the subject's improvement assessment is warranted. Based on the evidence submitted and after considering the similarities and differences between the subject and the comparables, the Board finds the subject's full improvement assessment is indicated to be \$77,910. After proration from date of occupancy (July 11, 2016), the Board finds the subject's improvement to be \$36,929 (173 days or .4740 of a year).

The appellants also contend in part that 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 no further reduction in the subject's assessment is warranted on this basis.

The Board finds neither party submitted comparables truly similar to the subject. The appellants comparables were dissimilar to the subject as they were not waterfront homes like the subject and featured substantially smaller lot sizes when compared to the subject. Further, two of the sales occurred in 2014, which the Board finds is not indicative of the subject's market value as of the January 1, 2016 assessment date. In addition, the board of review's comparables were substantially dissimilar to the subject in age, size, basement and/or lot size. The comparables in this record sold from August 2014 to March 2016 for prices ranging from \$215,990 to \$472,500 or from \$94.30 to \$202.79 per square foot of living area, including land. The subject's full value assessment reflects a market value of \$394,227 or \$151.80 per square foot of living area, including land, which is within the range established by the comparable sales in this record.

The Board next examined the subject's prorated assessment based on the subject's original assessment prior to board of review action. The record depicts the subject received a prorated assessment of \$80,521. The Board finds the subject's original full value assessment by notice dated March 10, 2017 was \$141,928 which included a land assessment of \$34,417 and an improvement assessment of \$107,511, prior to the subject's assessment being reduced based on proration. The date of occupancy is depicted as July 11, 2016 resulting in 173 of occupancy for the remainder of the year and a proration factor of .4740 (173/365).

The subject's improvement assessment reflects a full market value of \$322,565, calculated by dividing the assessment by the statutory level of assessments ($\$107,511 / .3333$). Applying the proration factor of .4740 to the subject's improvement full market value ($\$322,565 \times .4740$) results in a prorated value for the 2016 tax year of \$152,896. Applying the statutory level of assessments to the prorated value results in a prorated improvement assessment of \$50,960. Adding back the land assessment of \$34,417 results in a total assessment of \$85,377, which is above the prorated assessment of \$80,521 as concluded by the board of review. Therefore, the Board finds no reduction is warranted based on proration. Based on this evidence the Board finds a reduction in the subject's assessment is not justified based on a market value argument or incorrect proration.

The Board finds the board of review failed to address the appellants' inequity argument. The subject has a land assessment of \$34,417 or \$1.56 per square foot of land area. The comparables submitted by the appellants had land assessments ranging from \$64,936 to \$73,399 or from \$0.75 to \$0.88 per square foot of land. However, as the Board previously found, these comparables were dissimilar to the subject in that they are not in close proximity to the subject, are of dissimilar size when compared to the subject and are not waterfront properties like the subject. The Board agrees in part with the board of review, that waterfront properties should be used for comparison purposes when looking at land values. Therefore, the Board finds the appellants have not shown by clear and convincing evidence that the subject's land assessment is incorrect and no reduction in the subject's land 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(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



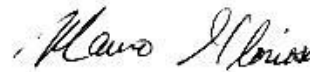
Member

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: May 26, 2020



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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