



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

APPELLANT: Olivia Wenstrom  
DOCKET NO.: 16-05299.001-R-1  
PARCEL NO.: 10-20-126-012

The parties of record before the Property Tax Appeal Board are Olivia Wenstrom, the appellant, by attorney Margaret E. Graham of O'Keefe Lyons & Hynes, LLC in Chicago; 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:** \$10,338  
**IMPR.:** \$74,762  
**TOTAL:** \$85,100

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.

**Preliminary Matter**

As part of its submission in this appeal, the McHenry County Board of Review reported "agent and appellant failed to respond to request for inspection of subject." The submission included a timely letter from the board of review addressed to appellant's counsel of record dated January 11, 2018 requesting an inspection of the subject property. A copy of the certified mail receipt was also submitted reflecting delivery of the letter. In accordance with the procedural rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.94(a):

No taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration, any testimony, objection, motion, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property when the

taxpayer or property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to physically inspect and examine the property for valuation purposes.

On this record, the Property Tax Appeal Board finds that the McHenry County Board of Review failed to fully abide by the requirements of Section 1910.94(a) and (b) with regard to inspecting the subject property. Subsection (b) of the rules provides specifically that "[a]ny motion to invoke this Section shall incorporate a statement detailing the consultation and failed reasonable attempts to resolve differences over issues involving inspection with the taxpayer or property owner." (86 Ill.Admin.Code §1910.94(b)). The board of review failed to articulate what consultation(s) were made and what reasonable attempts were made to resolve differences over the issues concerning inspecting the subject property with appellant's counsel of record. As such, the provisions of subsection (a) cannot be invoked in this proceeding due to the appellant's failure to cooperate in an inspection of the property.

### **Findings of Fact**

The subject property consists of a 2-story dwelling of frame exterior construction with 2,231 square feet of living area. The dwelling was constructed in 1913. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a detached 2-car garage with an apartment on the second floor. The property has a 16,552 square foot lake/water view site and is located in McHenry, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report estimating the subject property had a market value of \$185,000 as of February 23, 2017. The ValueNet report was prepared by Stephen Jurica Jr., a State of Illinois certified residential real estate appraiser. "The appraiser did not inspect the property identified on this report but did rely upon an Exterior Inspection of the subject property and immediate neighborhood which was performed by a third party." The property rights appraised were fee simple and the appraisal was performed to assist the lender/client being BMO Harris Bank NA in collateral evaluation. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

Under the sales comparison approach to value, the appraiser utilized three comparable sales to estimate the subject's market value. They are located from .60 of a mile to 3.91 miles from the subject property, one of which has a lake view. The parcels range in size from 7,200 to 19,150 square feet of land area and have been improved with 2-story dwellings of frame exterior construction that were 38 to 90 years old. The homes range in size from 1,720 to 2,504 square feet of living area and feature unfinished basements. Two comparables have central air conditioning. Each comparable has a fireplace and a 2-car garage. The comparables sold from August to December 2016 for prices ranging from \$178,000 to \$186,000 or from \$74.28 to \$103.49 per square foot of living area, including land. The appraiser made adjustments for differences in view, land area, age, room count, gross living area and/or other amenities. The appraiser commented on the finished living area on the second floor of the garage that disclosed "the legality of the finished area above the garage is unknown to the appraiser with the finished garage living area given no consideration in the value estimate". After making adjustments to

the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$180,810 to \$198,330. Based on this data the appraiser estimated the subject had an estimated market value of \$185,000 as of July 28, 2017. 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 of \$85,100. The subject's assessment reflects a market value of \$255,632 or \$114.58 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.

The board of review submitted correspondence regarding the appellant's evidence asserting that the appraisal is an exterior only evaluation with no information from the owner. It appears to have been done for a refinance transaction and is dated well after the valuation date. Of the sales used, only comparable #2 has the water access similar to the subject but it does not have the additional apartment over the garage. The board of review requested no weight be given to the report.

In support of its contention of the correct assessment of the subject property, the board of review provided information on six comparable sales located across water, waterfront or near water. The board of review did not disclose the comparables proximity to the subject but did provide a map depicting their locations in relation to the subject and the water. Board of review comparable #6 and the appellant's comparable #2 are the same property. The comparables are improved with 1.5-story or 2-story dwellings ranging in size from 1,706 to 2,444 square feet of living area. The dwellings were constructed from 1927 to 1987. Three comparables have a basement, two of which have finished area. Additionally, four comparables have a fireplace and each comparable has a 2-car or 3-car garage. The comparables have sites ranging in size from 7,209 to 45,030 square feet of land area. The comparables sold from July 2015 to November 2016 for prices ranging from \$164,500 and \$350,000 or from \$89.76 to \$171.36 per square foot of living area, including land.

Additionally, the board of review submitted a Multiple Listing Service (MLS) sheet of the subject disclosing the subject's sale in 2013 was a foreclosure sale. The board of review also submitted a copy of the subject's property record card along with exterior photos of the subject's dwelling and detached garage dated March 4, 2016.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **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 no reduction in the subject's assessment is warranted.

Initially, the Board gives little weight in its analysis to the final opinion of value found in the appraisal report submitted by the appellant. The report indicates that only an exterior inspection of the subject property was made by a third party and thus, the Board finds the appraiser's lack of adjustments for the apartment above the subject's detached garage appears to have no factual support. Additionally, the appraiser did not inspect the property and is unaware of any major repairs unless stated in the report. The appellant did not refute the board of review's claims that the subject property was remodeled and calls into question whether the appraiser's lack of adjustments for condition are appropriate. These factors undermine the credibility of appraisal report's conclusion of value of the subject property. However, the Board will examine the raw sales data contained in the appellant's appraisal.

The Board gave less weight to the appraiser's comparables #1 and #3 due to their dissimilar non-lake/water view locations. Additionally, comparable #1 is smaller in dwelling size when compared to the subject. The Board gave reduced weight to the parties common comparable due to its newer age and smaller site size when compared to the subject. The Board also gave less weight to board of review comparable #1 due to its smaller dwelling size, along with comparables #2 and #3 due to their superior finished basements unlike the subject. Furthermore comparable #2 is newer in age and has a larger site when compared to the subject.

The Board finds the best evidence of market value to be comparables #4 and #5 submitted by the board of review. These two comparables are more similar in location, size, design, age and some features, though neither have an apartment above the garage. The comparables sold in July 2015 or October 2016 for prices of \$322,500 and \$350,000 or for \$137.18 and \$143.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$255,632 or \$114.58 per square foot of living area, including land, which is supported by the most similar comparable sales in this record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the estimated market value as reflected by the 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(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.

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Chairman



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Member



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Member



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Member



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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



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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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