



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

APPELLANT: AH4RPONE LLC
DOCKET NO.: 16-05430.001-R-1
PARCEL NO.: 18-15-376-011

The parties of record before the Property Tax Appeal Board are AH4RPONE LLC, the appellant, by attorney Michael R. Davies of Ryan Law LLP 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: \$5,835
IMPR.: \$74,402
TOTAL: \$80,237

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 single-family dwelling of frame construction that has 2,718 square feet of living area. The dwelling was constructed in 2002. Features include central air conditioning, a full basement and a 421-square foot garage. The subject has a 7,215-square foot site and is located in Grafton Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted limited information on twelve comparable sales, one of which is the subject property. The dwellings were reportedly built from 2001 to 2003. The Board requested that the appellant complete the grid analysis in Section V of the appeal petition. The appellant failed to comply with the Board's request and failed to disclose the comparables' exterior construction, design, foundation type or features such as central air conditioning, fireplaces and/or garages.

The comparables sold from January 2013 to May 2015 for prices ranging from \$175,000 to \$240,000 or from \$66.05 to \$127.26 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$80,237. The subject's assessment reflects a market value of approximately \$240,711 or \$88.56 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales. The comparables consist of two-story single-family dwellings of frame or brick and frame exterior construction built from 1999 to 2002. The dwellings range in size from 2,718 to 2,890 square feet of living area. All of the comparables have a basement, one fireplace and a garage containing from 481 to 639 square feet of building area. The comparables sold from August 2015 to June 2016 for prices ranging from \$223,500 to \$290,000 or from \$77.60 to \$106.70 per square foot of living area, including land. The board of review argued that the subject is under-assessed since board of review comparables #1 and #2 are the same model as the subject and sold for \$106.70 per square foot, land included. 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 a reduction in the subject's assessment is not warranted.

The record contains fifteen comparable sales for the Board's consideration as one of appellant's comparables was the subject property. The Board gave less weight to the appellant's comparables as the appellant's attorney failed to provide any specifics regarding the comparables' story height, design, exterior construction, foundation type or features such as central air conditioning, fireplaces and/or garages for a comparative analysis, which detracts from the weight of the evidence. Furthermore, appellant's comparables #2 through #4 and #6 through eleven sold in 2013 and 2014, rendering their sales dated and less indicative of market value as of the subject's January 1, 2016 assessment date.

The Board finds that the board of review comparables sold more proximate in time to the subject's assessment date and that board of review comparables #1 and #2 are the same model of home as the subject and virtually identical to the subject in age, dwelling size and most features. These two comparables sold in August 2015 and June 2016, each selling for \$290,000 or \$106.70 per square foot of living area, including land. The subject's assessment reflects an estimated market value of approximately \$240,711 or \$88.56 per square foot of living area, including land, which is well below the range established by the most similar comparable sales in this record. Therefore, the Board finds a reduction in the subject's assessment is clearly not 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: July 16, 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

AGENCY

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COUNTY

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