



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

APPELLANT: Daniel Nett
DOCKET NO.: 16-05450.001-R-1
PARCEL NO.: 09-04-376-007

The parties of record before the Property Tax Appeal Board are Daniel Nett, the appellant, by attorney Andrew J. Rukavina, of The Tax Appeal Company, in Mundelein, 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 assessment of the property as established by the **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$20,186
IMPR.: \$84,803
TOTAL: \$104,989

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 and brick exterior construction with 3,342 square feet of living area. The dwelling was constructed in 2004. Features of the home include an unfinished English-style basement, central air conditioning, a fireplace and an 888 square foot garage. The property has a 49,216 square foot site and is located in the Oakview Estates subdivision in Ringwood, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared by Charles Walsh estimating the subject property had a market value of \$315,000 as of January 1, 2016.

As to the subject dwelling, the appraiser reported an effective age of 7 years as compared to its actual age of 12 years. Walsh found no functional, external or physical problems upon his inspection of the premises.

Using the sales comparison approach, Walsh analyzed three comparable sales which were located in the same subdivision as the subject. The appraiser reported there have been seven sales within the subject's subdivision since January 1, 2014; of those sales, four were ranch-style dwellings. Walsh acknowledged that comparable sale #3 was a foreclosure and stated, "It is used as it represents 1/3 of the 2 story sales in Oakview." The comparables have sites that range in size from 45,635 to 70,409 square feet of land area and were improved with two-story dwellings that were each 10 or 12 years old. Each comparable and the subject were described as having an "average" quality of construction, an "average" condition and an "average" functional utility. The homes range in size from 2,477 to 3,827 square feet of living area. Each home features a full basement, one of which has finished area, central air conditioning, a fireplace and a three-car garage. The comparables sold from April to October 2015 for prices ranging from \$297,500 to \$346,000 or from \$90.41 to \$127.17 per square foot of living area, land included.

The appraiser applied adjustments to the comparables for differences when compared to the subject for bathroom count, dwelling size, finished basement and/or additional porch/patio/deck differences. Through this process, Walsh opined adjusted sales prices ranging from \$314,230 to \$319,025 or from \$83.36 to \$127.28 per square foot of living area, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$315,000 or \$94.25 per square foot of living area, including land, as of January 1, 2016.

Based on this evidence, the appellant requested a total assessment approximately reflective of the appraised value conclusion at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$111,629. The subject's assessment reflects a market value of \$335,323 or \$100.34 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 a memorandum, the subject's property record card and a spreadsheet of the three sales which were set forth in the appellant's appraisal report along with color photographs of the dwellings. The memorandum was written by McHenry Township Assessor Mary Mahady.

Mahady set forth "issues" with the appellant's appraisal concerning no adjustment for the lack of English-style basement in appraisal sale #1. She also asserted the full bath/half bath adjustments made by Walsh of \$10,000/\$5,000 were "excessive in light of a 35/sf living area adjustment"; in a spreadsheet of the three comparables, Mahady made bathroom adjustments of \$6,000/\$3,000. It was also argued that appraisal sales #2 and #3 have significantly smaller basements and this difference was not adjusted. Mahady opined that the finished basement adjustment made by Walsh of \$16 per square foot "seems excessive"; in Mahady's analysis, she made a \$10 per square foot adjustment. Lastly, as to appraisal sale #3 as a foreclosure, Mahady "added 10% to account for the distress sale."

As set forth in the spreadsheet, Mahady made adjustments to the three comparable sales for differences. She retained the living area square footage adjustment of \$35 per square foot; modified the bathroom adjustments, applied \$10 per square foot each for basement size and basement finish differences and added \$5,000 to appraisal sale #1 for lack of an English-style basement in addition to the upward adjustment to the foreclosure sale. Through this process, Mahady set forth adjusted sales prices ranging from \$329,545 to \$354,050 or from \$98.61 to \$105.94 per square foot of living area, including land. As a result, Mahady reported a median sale price of \$101.82 per square foot, including land, or an indicated value for the subject of \$340,282 which is greater than the subject's estimated market value as reflected by its assessment. Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellant noted the lack of substantive sales evidence to refute the appraisal report and the lack of substantive evidence to refute the adjustments to the comparable sales which were made by appraiser Walsh.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal of the subject property and the board of review agreed with the comparable sales set forth in the appraisal, but disagreed with the adjustments to the comparable sales, in order to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the board of review's criticisms of the Walsh appraisal report; the date of valuation is proximate in time to the assessment date at issue and is based upon the only recent two-story sales within the subject's subdivision. The Board finds there is no substantive basis for the disagreements set forth with the appraiser's adjustments.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an opinion of value of \$315,000, including land, which is below the subject's estimated market value as reflected by its assessment of \$335,323, land included. In estimating the market value of the subject property, the appellant's appraiser relied upon the sales comparison approach and made adjustments to the comparables to account for differences from the subject property; as noted, the assessing officials failed to present any valid criticisms of the Walsh appraisal report. On this record, the Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the limited area sales within the report and the logical adjustments made to the comparables for differences. Based on this evidence, the Property Tax Appeal Board finds a reduction in the subject's assessment commensurate with the appellant's request 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: August 18, 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

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