



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

APPELLANT: Mark & Lori Smyth
DOCKET NO.: 16-05878.001-R-1
PARCEL NO.: 18-14-203-001

The parties of record before the Property Tax Appeal Board are Mark & Lori Smyth, 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 **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: \$13,728
IMPR.: \$135,299
TOTAL: \$149,027

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 two-story dwelling of brick and frame exterior construction with 3,792 square feet of living area. The dwelling was constructed in 2001. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a three-car garage containing 672 square feet of building area. The property has a 28,440 square foot site and is located in Lakewood, Grafton Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal and also submitted information on four comparable sales.¹

The copy of the refinance appraisal report submitted, was incomplete with various pages that were not provided. The appraisal was missing several pages including but not limited to the

¹ As part of their evidence, the appellants submitted a copy of the purchase appraisal relating to the sale of the appellants' comparable #1 in the sales grid analysis.

comparable sales grid page for comparables #1, #2 and #3; the page with the appraiser's opinion of the subject's estimated market value and valuation date; and the signature page.

In Section V of the appeal petition, the appellants reported four comparable sales located within one mile of the subject property with two located in the subject's neighborhood code as assigned by the township assessor. The comparables have sites ranging in size from 21,409 to 37,700 square feet of land area. The comparables consist of two-story dwellings of frame or brick and frame exterior construction ranging in size from 3,424 to 4,042 square feet of living area. The dwellings were built from 1999 to 2005 and feature unfinished basements, central air conditioning, one fireplace and a three-car garage ranging in size from 608 to 876 square feet of building area. The comparables sold between June 2015 and July 2016 for prices ranging from \$365,000 to \$395,000 or from \$94.01 to \$114.96 per square foot of living area, including land.² Based on this evidence, the appellants 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 \$149,027. The subject's assessment reflects a market value of \$447,663 or \$120.63 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 response to the appellants' evidence, the board of review argued that the refinance appraisal should be given minimal weight as the appraiser utilized only one sale and one listing that were located in the subject's neighborhood.

In support of the subject's assessment, the board of review submitted information on four comparable sales located in the same neighborhood code as the subject property as assigned by the township assessor. The comparables are described as two-story dwellings of frame, brick or brick and frame exterior construction that range in size from 2,974 to 4,139 square feet of living area. The dwellings were constructed from 1999 to 2003. Each comparable features an unfinished basement, central air conditioning, one or two fireplaces and a garage ranging in size from 654 to 755 square feet of building area. The comparables sold from January 2015 to September 2015 for prices ranging from \$422,500 to \$505,000 or from \$122.01 to \$151.31 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject's assessment be confirmed.

Conclusion of Law

The appellants contend 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 a reduction in the subject's assessment is not warranted.

² The appellants' comparable sales grid analysis incorrectly depicted comparables #1 and #3 as having sales prices of \$116.11 and \$90.01 per square foot of living area, land included, respectively.

The Board has given little weight to the appellants' appraisal report since the document was incomplete and thus did not allow for sufficient analysis of the data. The Board finds that the appraisal report was missing the comparable sales grid page, valuation date, value conclusion and signature. For these reasons, the appraisal report received little weight in the Board's analysis.

The parties submitted a total eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to comparable #3 submitted by the board of review due to its dissimilar dwelling size when compared to the subject.

The Board finds the best evidence of market value to be the four comparable sales submitted by the appellants, along with comparables #1, #2 and #4 submitted by the board of review. These seven comparables are similar to the subject in location, dwelling size, design, age and features. The properties sold from May 2015 to July 2016 for prices ranging from \$365,000 to \$505,000 or from \$94.01 to \$129.05 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$447,663 or \$120.63 per square foot of living area including land, which falls within the range established by the most similar comparable sales contained in the record. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessment is supported and a reduction in the subject's assessment is 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: February 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

AGENCY

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