



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

APPELLANT: IH5 Property Illinois, LP
DOCKET NO.: 17-04711.001-R-1
PARCEL NO.: 14-32-255-007

The parties of record before the Property Tax Appeal Board are IH5 Property Illinois, LP, the appellant, by attorney Jeffrey G. Hertz, of Sarnoff & Baccash 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: \$16,900
IMPR.: \$69,786
TOTAL: \$86,686

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 2017 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 vinyl siding exterior construction with 2,578 square feet of living area. The dwelling was constructed in 2004. Features of the home include an unfinished basement, central air conditioning and a two-car garage. The property has a .38-acre site and is located in Crystal Lake, Nunda Township, McHenry County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 21, 2015 for a price of \$201,000. The appellant completed Section IV-Recent Sale Data of the appeal petition reporting that the subject property was purchased from US Bank, the parties to the transaction were not related and the property was advertised by a realtor through the Multiple Listing Service for 84 days according to the Multiple Listing Sheet submitted by the appellant. A copy of the Settlement Statement reflects the purchase price, date of sale and the distribution of

broker's fees to two entities. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$86,686. The subject's assessment reflects a market value of \$261,024 or \$101.25 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for McHenry County of 33.21% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review argued that the subject was purchased for \$201,000 in a foreclosure transaction in August 2015 which is too far from the January 1, 2017 date of valuation to produce a credible indication of market value. In 2016 the board of review granted an assessment reduction based on the foreclosure sale price and condition of the property. In 2017 the property was brought up to full value as rehab of the property was completed in April 2016 per the parcel inquiry information sheet submitted by the board of review. The board of review submitted the PTAX-203 Real Estate Transfer Declaration associated with sale of the subject property that disclosed the sale was a Bank REO (real estate owned) and the seller was US Bank.

In support of its contention of the correct assessment, the board of review submitted a grid analysis of three comparable sales located within the same subdivision as the subject. The comparable sales consist of two-story dwellings of vinyl exterior construction built in 2000 or 2001. The dwellings range in size from 2,172 to 2,376 square feet of living area and are situated on sites ranging in size from .24 to .35 of an acre. Each comparable has a basement, central air conditioning and a two-car or a three-car garage. The comparables sold from January to June 2017 for prices ranging from \$253,000 to \$317,500 or from \$115.63 to \$133.63 per square foot of living area, including land. Based on the foregoing 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 failed to prove by a preponderance of the evidence that a reduction to the subject's assessment is warranted.

The appellant provided evidence that the subject was purchased in August 2015 for a price of \$201,000. The record disclosed that the subject property had been advertised for sale on the open market and the parties to the transaction were not related. However, the sale of the subject property occurred approximately 16 months prior to the assessment date at issue and it was disclosed that the sale was a Bank REO (real estate owned). The board of review's submission included three comparable sales that sold proximate in time to the assessment date at issue. Although the comparables have smaller dwelling sizes, these properties are similar to the subject property in location, design, age and most features. The sales occurred from January to June

2017 for prices ranging from \$253,000 to \$317,500 or from \$115.63 to \$133.63 per square foot of living area, including land. The subject's assessment reflects a market value of \$261,024 or \$101.25 per square foot of living area, including land, which is within the overall price range established by the comparable sales in this record but below the range on a square foot basis which is justified when considering the subject's larger dwelling size. The Board gave less weight to the subject's sale due to the fact the sale occurred approximately 16 months prior to the assessment date at issue. Furthermore, the subject's purchase price of \$201,000 or \$77.97 per square foot of living area, including land, is significantly below the three best sales provided by the board of review suggesting the purchase price is not reflective of fair cash value as of January 1, 2017. Based on this record the Board finds 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: September 15, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

IH5 Property Illinois, LP, by attorney:
Jeffrey G. Hertz
Sarnoff & Baccash
Two North LaSalle Street
Suite 1000
Chicago, IL 60602

COUNTY

McHenry County Board of Review
McHenry County Government Center
2200 N. Seminary Ave.
Woodstock, IL 60098