



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

APPELLANT: Jeremy & Michelle Simon
DOCKET NO.: 17-04781.001-R-1
PARCEL NO.: 09-30-151-003

The parties of record before the Property Tax Appeal Board are Jeremy & Michelle Simon, 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 **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: \$38,361
IMPR.: \$85,524
TOTAL: \$123,885

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 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 frame and brick exterior construction with 3,790 square feet of living area. The dwelling was constructed in 2015. Features of the home include an unfinished walk-out basement, central air conditioning, two fireplaces¹ and an 874 square foot garage. The property has a site with approximately 223,278 square feet or 5.13 acres of land area and is located in McHenry, McHenry Township, McHenry County.

The Property Tax Appeal Board takes notice the property was the subject matter of an appeal before the Board for the 2016 tax year under Docket No. 16-05308.001-R-1. In that appeal the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$115,780 based on the evidence submitted by the parties. Furthermore, the record reveals that the subject property is an owner-occupied residence.

¹ The parties differ as to the number of fireplaces in the subject's dwelling. The Board finds this discrepancy will not impact the Board's decision in this appeal.

The Board also takes notice that 2016 and 2017 are in the same general assessment period in McHenry County. (86 Ill.Admin.Code §1910.90(i) and 35 ILCS 200/9-215).

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellant submitted four comparable sales. The comparables have varying degrees of similarity when compared to the subject in location, design, age, dwelling size and features. The comparables sold from October 2015 to March 2017 for prices ranging from \$299,900 to \$339,900 or from \$72.78 to \$86.33 per square foot of living area, including land. 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 \$140,481. The subject's assessment reflects a market value of \$423,008 or \$111.61 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 support of its contention of the correct assessment, the board of review submitted information on four suggested comparable sales, two of which were also used by the appellants. The comparables have varying degrees of similarity when compared to the subject in location, design, age, dwelling size and features. The comparables sold from September 2016 to July 2017 for prices ranging from \$302,500 to \$380,000 or from \$78.19 to \$105.34 per square foot of living area, including land. The board of review also submitted a copy of the subject's property record card which demonstrated that an equalization factor of 1.0700 was applied in 2017. Based on this evidence, the board of review on the "Notes on Appeal" recommended a reduction in the subject's assessment to \$134,999 indicating a market value of approximately \$405,038 at the statutory level of assessment.

In written rebuttal, the appellants declined the board of review's proposed stipulation as presented. The appellants argued that the township assessor agreed to reduce the subject's assessment in 2018 to \$135,842. A copy of the 2018 stipulation with signatures dated October 26, 2018 was included with the rebuttal. The appellants noted the township multiplier for 2017 was 7% and by working backwards from the subject's 2018 stipulated value would result in an assessment of \$126,958 for 2017. The appellants asserted that the subject dwelling only has two fireplaces but has a direct vent firebox located in the sunroom for decorative use. Lastly, the appellants critiqued the comparables submitted board of review. The appellants requested a reduction in the subject's assessment.

Conclusion of Law

The Property Tax Appeal Board finds the subject property was the matter of an appeal before this Board the prior tax year under Docket Number 16-05308.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$115,780 based on the evidence submitted by the parties. The Property Tax Appeal Board takes notice that McHenry County's quadrennial general assessment period began in the 2015 tax year and continues through the 2018 tax year. The Board further finds section 16-185 of the Property Tax Code is controlling in this appeal. (35 ILCS 200/16-185).

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 on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

The Board finds this record disclosed the subject property is an owner-occupied residence and the 2016 and 2017 tax years are within the same general assessment period. The Board finds the record shows an equalization factor of 1.0700 was issued in McHenry Township for the 2017 tax year. The Board further finds that the prior year's decision should be carried forward to the subsequent year subject only to any equalization factor applied to that year's assessments. This finding is pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) and the fact that 2016 and 2017 are within the same general assessment period in McHenry County. The record contains no evidence indicating that the assessment year in question is in a different general assessment period or that the subject property sold establishing a different fair cash value. For these reasons, the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's finding plus the application of the equalization factor of 1.0700.

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

Jeremy & Michelle Simon
1603 Ginko Ct
McHenry, IL 60050

COUNTY

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