



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

APPELLANT: Larry Golden
DOCKET NO.: 17-04818.001-R-1
PARCEL NO.: 14-29-426-048

The parties of record before the Property Tax Appeal Board are Larry Golden, 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 **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: \$21,851
IMPR.: \$92,954
TOTAL: \$114,805

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 frame construction with 3,299 square feet of living area. The dwelling was constructed in 1990. Features of the home include an English-style full basement with finished area, central air conditioning, a fireplace and a two-car garage. The property site contains approximately 23,087 square feet or .53 acres of land area and is located in Crystal Lake, Nunda Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal report prepared by Steven L. Smith, a Certified Residential Real Estate Appraiser. The appraisal report was prepared for appellant's counsel of record for purposes of a real estate tax appeal wherein the appraiser estimated the subject property had a market value of \$310,000 as of January 1, 2017.

Using the sales comparison approach, the appraiser considered four comparable sales. The comparables are located from .09 to .32 of a mile from the subject property with sites ranging in size from 22,300 to 26,869 square feet of land area. The comparables are improved with two-story dwellings that range in size from 2,770 to 3,410 square feet of living area and in age from 26 to 30 years old. The appraiser reported that each comparable has a full basement with finished area, one of which is an English-style design like the subject, central air conditioning, one fireplace and a two-car or a three-car garage. The comparables sold from April to July 2016 for prices ranging from \$250,000 to \$402,000 or from \$90.25 to \$119.55 per square foot of living area, including land. The appraiser made adjustments to the comparables for location, site size, view, room count, dwelling size, differing features and upgrades to arrive at adjusted prices ranging from \$307,250 to \$317,200 or from \$92.95 to \$110.94 per square foot of living area, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$310,000 or \$93.97 per square foot of living area, including land, as of January 1, 2017.

Based on this evidence, the appellant requested an assessment 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 \$114,805. The subject's assessment reflects a market value of \$345,694 or \$104.79 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 a grid analysis prepared by the township assessor of the four comparable sales used by the appellant's appraiser numbered 1 through 4, along with one additional sale located in the subject's subdivision shown as #5 in the grid. Comparable #5 is located in the same neighborhood as the subject property and contains a .67-acre site improved with a two-story dwelling of frame exterior construction built in 1998 which contains 3,555 square feet of living area. The comparable features an English-style partial basement with finished area, central air conditioning, two fireplaces and a three-car garage. The property sold in June 2017 for a price of \$410,000 or \$115.33 per square foot of living area, including land. The assessor reported that the median sale price of the five comparables in the record without adjustments for differences is \$115.33 per square foot of living area, including land, which if applied to the subject's dwelling size would result in an estimated market \$380,474.

The assessor noted that the subject's lower land value reflects that one side of the property is adjacent to a well-traveled road. The assessor further asserted that the subject property is buffered by a berm and significant tree cover on that side of the structure.

Based on this evidence and argument, 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 appellant submitted an appraisal report estimating the subject property had a fair market value of \$310,000 as of January 1, 2017. The board of review submitted an analysis of the four comparables used by the appellant's appraiser and one additional comparable sale.

The Board gave less weight to the value conclusion in the appraisal as the appraiser's comparable sale #1 with a price of \$250,000 appears to be an outlier when compared to the other sales in the record and appears to have inappropriately skewed the appraiser's value conclusion to the low end of the range of adjusted sale prices. Given the inclusion of this outlier property, the Board finds that the appraiser's conclusion of value has been undermined and the Board cannot rely upon the credibility of the appraiser's value conclusion on this record.

The Board also gave reduced weight to board of review comparable #5 due to its superior dwelling size, newer age, additional finished basement area and larger garage.

Having fully examined the record evidence, the Board finds the best of evidence of market value to be the appellant's appraisal sales #2, #3 and #4. These three comparables are similar to the subject in location, dwelling size, design, age and features. They sold in April and May 2016 for prices ranging \$325,900 to \$402,000 or for \$110.03 to \$119.55 per square foot of living area, land included. The sales prices as adjusted by the appellant's appraiser range from \$92.95 to \$106.30 per square foot of living area, including land, which the Board finds to be reasonable adjustments for differences when compared to the subject. The subject's assessment reflects a market value of \$345,694 or \$104.79 per square foot of living area, including land, which falls within the range established by the best comparable sales prices as adjusted in the record on a square foot basis. Therefore, 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

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