



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

APPELLANT: Beth McBreen
DOCKET NO.: 17-04854.001-R-1
PARCEL NO.: 19-02-102-014

The parties of record before the Property Tax Appeal Board are Beth McBreen, the appellant, 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: \$33,518
IMPR.: \$109,285
TOTAL: \$142,803

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 and brick exterior construction with approximately 3,548 square feet of living area.¹ The dwelling was constructed in 1995. Features of the home include an 80% finished walkout-style basement, central air conditioning, three fireplaces and an attached four-car garage containing 975 square feet of building area. The property has a 1.44-acre site and is located in Crystal Lake, Algonquin Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant reported that the subject property was purchased in July 2015 for \$417,500 and

¹ The appellant's appraiser and the board of review vary slightly on the subject's dwelling size. The appraiser stated the assessor's dwelling size did not deduct for "open to below foyer area" (i.e., cathedral ceiling). The Board finds that the difference does not prevent a determination of the correct assessment on this record.

submitted an appraisal prepared by Cornelia Wismer, a Certified Residential Real Estate Appraiser, estimating the subject property had a market value of \$430,000 as of January 1, 2017.

As to the subject property, the appraiser reported the recent sale was an arm's length transaction. The subject dwelling reportedly has an effective age of 20 years as compared to its actual age of 23 years. The appraiser wrote the dwelling was in average condition with no upgrades since construction. The flooring was original as were the kitchen cabinets, formica counters and the dwelling had the original bath fixtures. Wismer stated the master bath was "currently under renovation" and she found no physical, functional or external problems upon inspection of the premises.

Using the sales comparison approach, Wismer analyzed six comparable sales which were located within two blocks of the subject. The appraiser reported there have been twelve sales within the subject's neighborhood within a six-month period prior to and after the lien date of January 1, 2017. Prices reportedly have been stable with a small increase of 2-5% within the last three years since the subject's sale date. Wismer acknowledged that additional sales were considered, but these six comparables were the best available with similar amenities to the subject, two-story dwellings situated on 1 acre+ lots.

The comparable sales have sites that range in size from 1 to 1.42-acres of land area and were improved with Colonial (two-story) dwellings that were from 16 to 31 years old. Each comparable and the subject were described as having an "average" quality of construction, functional utility and an "average" condition, except sales #2 and #3 were noted as "updated." The homes range in size from 3,086 to 4,475 square feet of living area. Each home features a basement, one of which is an English-style and one of which is a walkout-style and four of which have finished areas. Each dwelling has central air conditioning, one or two fireplaces and an attached three-car garage. Sale #2 also has a pool. The comparables sold from May 2016 to September 2017 for prices ranging from \$385,000 to \$445,000 or from \$94.53 to \$132.86 per square foot of living area, land included.

The appraiser applied adjustments to the comparables for differences when compared to the subject for upgrades, bedrooms, bathrooms, dwelling size, basement area, basement finish, walkout, basement bath, garage size, pool and/or fireplace count. Through this process, Wismer opined adjusted sales prices for the comparable sales ranging from \$404,000 to \$441,000 or from \$90.28 to \$139.99 per square foot of living area, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$430,000 or \$121.20 per square foot of living area, including land, as of January 1, 2017 with most weight given to sales #1, #2 and #4 which she found to be most similar to the subject's construction with similar amenities. Based on this evidence, the appellant requested a total assessment of \$143,200 which would reflect a market value of approximately \$429,600.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$158,013. The subject's assessment reflects a market value of \$475,799 or \$134.10 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 three comparable sales with sites that range in size from 1.1 to 1.46-acres of land area. Each parcel is improved with Colonial, Cape Cod or Conventional dwelling ranging in age from 18 to 32 years old. The homes range in size from 3,652 to 4,038 square feet of living area. Each home features a basement, central air conditioning, one or two fireplaces and a garage ranging in size from 696 to 764 square feet of building area. Sale #1 has an inground pool. The comparables sold from February to June 2017 for prices ranging from \$370,000 to \$522,500 or from \$101.31 to \$139.67 per square foot of living area, land included. In the spreadsheet, the board of review depicts adjustments to the comparables for differences in lot size, age, dwelling size, basement size, plumbing fixtures, number of fireplaces, garage size, basement finish, lack of a walkout basement and/or pool amenity. Through this adjustment process, the board of review presented adjusted sales prices ranging from \$425,718 to \$515,255, including land noting the median adjusted sale price was \$470,440.

As part of the submission, the board or review reported that these three comparable sales located in very close proximity to the subject support only a slight reduction in the subject's assessment. Therefore, the board of review proposed a reduced total assessment to \$156,798 which would reflect a market value of approximately \$470,394.

The appellant was informed of this proposed assessment reduction and responded with a second copy of the appellant's appraisal report, noting that there was no indication that the board of review had considered the appraisal evidence. On page 12 of the appraisal, Wismer sets forth the twelve sales in the subject's subdivision that occurred in close proximity to the subject from lowest to highest sale price. Board of review sales #1 and #2 were the highest and third highest sale prices on that list.

Also in response to the proposed assessment reduction, the appellant stated that for tax year 2018, the assessing officials agreed to a reduced total assessment of \$150,986 (copy of agreement provided). The appellant asserted the 2017 assessment should be in line with the 2018 agreement as home values have not changed that significantly from 2017 to 2018.

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 countered with three comparable sales adjusted by the assessing officials along with a proposal to reduce the subject's assessment slightly in support of their respective positions before the Property Tax Appeal Board. The Board has given little weight to the board of review's sales #1 and #2 finding these were among the highest area sales and comparable #1 appears to be an outlier as displayed on page 12 of the appraisal report setting forth a much higher sales price than any other area property along with having a pool amenity.

The board of review set forth no criticisms of the Wismer appraisal report. The appraisal was based upon recent two-story sales within the subject's subdivision. 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. The Board finds there is no substantive basis for any disagreements with the appraiser's value opinion.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an opinion of value of \$430,000 or \$121.20 per square foot of living area, including land, along with consideration of board of review sale #3 depicting a May 2017 sale price of \$370,000 or \$101.31 per square foot of living area, including land. The Board finds both the appellant's appraisal evidence of \$430,000 and the best comparable sale presented by the board of review as adjusted to \$425,718, including land, present market value conclusions that are below the subject's estimated market value as reflected by its assessment of \$475,799 or \$134.10 per square foot of living area, land included. On this record, the Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the area sales within the report, board of review comparable sale #3 and the logical adjustments made to the comparables for differences. Since market value has been established the 2017 three year average median level of assessments for McHenry County of 33.21% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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

AGENCY

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