



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

APPELLANT: Krzysztof Piekut
DOCKET NO.: 17-04886.001-R-1
PARCEL NO.: 14-29-126-031

The parties of record before the Property Tax Appeal Board are Krzysztof Piekut, 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 **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: \$26,124
IMPR.: \$62,620
TOTAL: \$88,744

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 split-level dwelling of frame construction with 1,923 square feet of above-grade living area. The dwelling was constructed in 1973. Features of the home include a basement with finished area, a lower level with finished area, central air conditioning, two fireplaces on one stack and a two-car garage. The property has a .51-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 December 28, 2015 for a price of \$181,000. The appellant completed Section IV—Recent Sale Data of the appeal petition reporting that the subject property was purchased from the Federal National Mortgage Association (Fannie Mae), the parties to the transaction were not related and the property was advertised by a realtor through the Multiple Listing Service for 120 days. A copy of the Settlement Statement reflects the purchase price, date of sale and the distribution of broker's fees

to two entities. The appellant also submitted copies of the Multi-Board Residential Real Estate Contract and Purchase Addendum associated with the sale of the subject. The appellant also noted that a new roof and windows were installed in May and August 2016. Based on this evidence, the appellant 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 \$88,744. The subject's assessment reflects a market value of \$267,221 or \$138.96 per square foot of above-grade 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 provided by the Nunda Township Assessor with eight comparable sales located within .91 miles from the subject. The comparables consist of a ranch, a two-story and six, split-level dwellings of frame, brick and vinyl or frame and brick exterior construction built from 1969 to 1986. The dwellings range in size from 1,430 to 2,289 square feet of living area and are situated on lots ranging in size from .3 to 1.71 acres of land area. Seven comparables each have a basement, with three having finished area. Six comparables each have a lower level with finished area. Each comparable has central air conditioning, six comparables each have one fireplace and each comparable has a two-car, a three-car or a four-car garage. The grid analysis noted that comparable #1 was not offered on the open market, was in poor condition and in need of extensive updating; comparable #2 was a foreclosure sale and comparables #2 and #3 were not the same style of home as the subject. The assessor also indicated the subject was a Fannie Mae owned property and in 2016 improvements were made without pulling permits from the county. The comparables sold from July 2016 to August 2017 for prices ranging from \$167,000 to \$271,000 or from \$75.80 to \$181.82 per square foot of above-grade living area, including land. Based on this 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the evidence disclosed that the appellant purchased the subject property on December 28, 2015 for a price of \$181,000 from Fannie Mae. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 120 days. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds, however, the fact the property was sold by Fannie Mae calls into question whether the purchase price is reflective of fair cash value. Furthermore, the Board finds the subject sold

approximately 12 months prior to the January 1, 2017 assessment date and is less likely to be reflective of the subject's market value as of that date. In addition to the fact that since the purchase the appellant has made improvements to the subject property which presumably raised its market value since December 2015 to the assessment date of January 1, 2017.

The Board finds the board of review provided eight sales to support the subject's assessment. The Board gave less weight to board of review comparables #1, #2, #3, #6, #7 and #8 due to their different style, larger lot size, lack of a basement feature and/or condition at the time of sale. Although the remaining two board of review comparables have smaller dwelling sizes, they are similar to the subject in location, age, design and most features. Both sold proximate in time to the assessment date at issue for prices of \$260,000 and \$259,000 or for \$181.82 and \$173.13 per square foot of living area, including land, respectively. The Board finds these sales demonstrate the subject's purchase price of \$181,000 or \$94.12 per square foot of living area, land included, may not be representative of fair cash value as of January 1, 2017. The Board finds that the subject's assessment reflecting market value of \$267,221 or \$138.96 per square foot of living area, including land, is supported by the most similar sales provided by the board of review after considering adjustments to these comparables for differences such as their smaller dwelling sizes when compared to the subject. Therefore, the Board finds the appellant failed to prove by a preponderance of the evidence that the subject was overvalued 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: 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

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