



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

APPELLANT: Michael & Joann Page
DOCKET NO.: 17-04935.001-R-1
PARCEL NO.: 18-24-226-045

The parties of record before the Property Tax Appeal Board are Michael & Joann Page, the appellants, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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:	\$8,664
IMPR.:	\$115,187
TOTAL:	\$123,851

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 single-family dwelling of frame exterior construction with 3,259 square feet of living area. The dwelling was constructed in 2001. Features of the home include a basement, central air conditioning, a fireplace and a garage containing 697 square feet of building area. The property's lot size was not disclosed. The property is located in Crystal Lake, Grafton Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information on five comparable sales located in the same neighborhood and within .38 of a mile from the subject property. The comparables are described as two-story single-family dwellings of what appears to be brick and frame exterior construction as depicted in the four photographs submitted by the appellants. The comparables were built from 1999 to 2004 and range in size from 2,835 to 3,505 square feet of living area. Each dwelling features a basement,

central air conditioning, a fireplace and a garage ranging in size from 623 to 772 square feet of building area. The properties sold from February 2016 to February 2017 for prices ranging from \$276,250 to \$330,000 or from \$94.15 to \$103.45 per square foot of living area, land included. Based on this evidence, the appellants requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$123,851. The subject's assessment reflects a market value of \$372,933 or \$114.43 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 located in the same subdivision as the subject property and within the same neighborhood code as the subject property as defined by the local assessor. The comparables are improved with two-story single-family dwellings of frame and brick exterior construction ranging in size from 3,159 to 3,386 square feet of living area. The dwellings were constructed from 2001 to 2005. Each comparable features a basement, a fireplace and a garage ranging in size from 628 to 798 square feet of building area. Comparable #1 has a 503-square foot inground pool and comparable #2 has a walk-out basement. The comparables sold from April to September 2017 for prices ranging from \$375,000 to \$425,000 or from \$114.02 to \$125.52 per square foot of living area, including land. The board of review submitted a property record card for the subject property along with a narrative report prepared by the township assessor contending that three of the appellant's comparables are compulsory sales, whereas it was argued that the board of review comparables are valid sales and more similar to the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

On rebuttal, the appellants argued that Property Tax Appeal Board must take into account compulsory sales. Appellants acknowledged that all three of the board of review comparables are "acceptable comparable sales." Appellants argued that the Property Tax Appeal Board should take all comparable sales into account and calculate the median sale price per square foot of living area to determine market value.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter, the board of review through the township assessor contends that the appellants' comparables #1, #2 and #5 are compulsory sales in that they are either short sales or bank owned (REO) properties. However, board of review has not submitted any evidence such as Illinois Real Estate Transfer Declarations (PTAX-203) or settlement statements for these sales to indicate whether these sales have the characteristics of arm's-length transactions reflective of fair cash value. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment in the absence of other substantive evidence indicating the sales were not reflective of market value and/or arm's-length transactions.

The parties submitted for the Board's consideration a total of eight suggested sale comparables with varying degrees of similarity to the subject property. The Board gave less weight to appellants' comparables #4 and #5 due to their considerably smaller dwelling sizes when compared to the subject.

The Board finds that appellants' comparables #1, through #3, along with board of review comparable sales #1 through #3 are most similar to the subject in location, dwelling size, design and most features. However, the board of review comparable #1 and #2 have an inground pool and a walk-out basement, respectively, which are superior features when compared to the subject property, thus requiring downward adjustments in order to more closely conform to the subject property. These six comparables sold for prices ranging from \$290,000 to \$425,000 or from \$94.15 to \$125.52 per square foot of living area, including land. The subject's assessment reflects a market value of \$372,933 or \$114.43 per square foot of living area, land included, which falls within the range established by the best comparable sales in this record. After considering adjustments to the comparables for differences in features in order to more closely conform to the subject, the Board finds that the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued. Therefore, the Board finds that based on this evidence, the subject's estimated market value as reflected by its assessment is supported and no reduction in the subject's assessment is warranted.

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: February 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

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