



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

APPELLANT: Rhett Wilborn/Innovative Home Concepts
DOCKET NO.: 17-04936.001-R-1
PARCEL NO.: 09-35-281-006

The parties of record before the Property Tax Appeal Board are Rhett Wilborn/Innovative Home Concepts, the appellant, by attorney Jessica Hill-Magiera 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: \$6,114
IMPR.: \$43,035
TOTAL: \$49,149

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 raised-ranch style single-family dwelling of frame construction with 1,026 square feet of ground area. The dwelling was built in 1966. Features of the home include a finished basement recreation room, central air conditioning, one fireplace and an integral garage with 312 square feet of building area. The property has a 6,064 square foot site and is located in McHenry, McHenry 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 April 25, 2016 for a price of \$75,000. The closing statement identified the seller as the Estate of Charles P. Conrad III. The closing statement did not denote the payment of a broker's fee or commission although the appellant indicated on the appeal form the property was sold through a Realtor and had been

advertised for sale in the Multiple Listing Service. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$49,149. The subject's assessment reflects a market value of \$147,995 or \$144.24 per square foot of ground floor 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 improved with split-level dwellings that have either 1,164 or 1,192 square feet of above grade living area. The homes were built in 1968 and 1973. Each home has central air conditioning, two comparables each have one fireplace, each home has a lower level with finished area, and each comparable has a two-car garage. These properties have sites ranging in size from 12,576 to 14,469 square feet of land area. These properties sold from August 2016 to June 2017 for prices ranging from \$160,000 to \$196,000 or from \$134.23 to \$173.45 per square foot of above grade living area, including land.

In rebuttal the board of review provided a statement from the township assessor stating the subject property was not on the open market and was sold by the estate of the previous owner. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's purchase disclosing the property was not advertised for sale.

The township assessor further noted that the current owner took out a permit to replace doors and windows in May 2016. To document this statement the board of review submitted a copy of the Residential Minor Permit Application dated May 25, 2016, which indicated the estimated costs of \$3,500. The assessor did not know the condition the property was in when purchased or the extent of any repairs made after the purchase. The property was placed on the market again in March 2017 with an asking price of \$159,000.

In rebuttal the appellant's counsel stated the property was listed for sale in March 2017 for \$159,000 but did not sale and was taken off the market. A copy of the listing was provided by the appellant's counsel disclosing the property was listed for a price of \$159,000 on March 25, 2017 and was off the market on May 24, 2017. The listing indicated new items included flooring, windows, entry doors, oven/range, washer & dryer, updated powder room and new well.

The appellant's counsel also asserted the board of review evidence was neither responsive nor relevant to the basis of the appeal.

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 best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were relatively similar to the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$160,000 to \$196,000 or from \$134.23 to \$173.45 per square foot of living area, including land. The subject's assessment reflects a market value of \$147,995 or \$144.24 per square foot of living area, including land, which is below the overall price range but within the range established by the comparable sales on a square foot basis. The Board gave little weight to the subject's sale due to the fact the sale did not have the elements of an arm's length transaction as the property was not advertised or exposed on the open market. Second, the purchase price of \$75,000 or \$73.10 per square foot of living area, including land, is significantly below the purchase prices of the comparable sales presented by the board of review indicating the subject's purchase price is not indicative of fair cash value. Additionally, the subject's March 2017 listing price of \$159,000 or \$154.97 per square foot of living area, including land, undermines the appellant's argument that the subject property is overvalued for assessment purposes as of the assessment date. Based on this record 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: July 21, 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

Rhett Wilborn / Innovative Home Concepts, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

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