



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

APPELLANT: Silverio & Mayra Morales
DOCKET NO.: 17-04938.001-R-1
PARCEL NO.: 09-19-108-013

The parties of record before the Property Tax Appeal Board are Silverio and Mayra Morales, the appellants, 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: \$6,414
IMPR.: \$33,191
TOTAL: \$39,605

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 tri-level style single-family dwelling with a vinyl siding exterior containing 1,289 square feet of above ground living area. The dwelling was built in 1945. Features of the home include a lower level with 512 square feet of finished area and central air conditioning. The property has a 7,200 square foot site and is located in Wonder Lake, McHenry Township, McHenry County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on May 23, 2016 for a price of \$70,000. The closing statement identified the seller as the Secretary of Housing and Urban Development. The appellants indicated on the appeal form the property was sold through a Realtor and had been advertised for sale in the Multiple Listing Service (MLS). The settlement statement disclosed that real estate brokers fees in the amount of \$4,200 were paid. The

appellants also submitted a copy of the MLS listing for the subject property disclosing the property was sold out of foreclosure and the property was REO/Lender Owned. Based on this evidence, the appellants 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 \$39,605. The subject's assessment reflects a market value of \$119,256 or \$92.52 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 or bi-level dwellings that range in size from 894 to 992 square feet of above grade living area. The homes were built from 1993 to 2000. One home has central air conditioning, each home has a lower level with finished area, and one comparable has a two-car garage. These properties have sites with either 6,000 or 7,200 square feet of land area. These properties sold from February 2017 to April 2017 for prices ranging from \$118,000 to \$134,900 or from \$129.45 to \$139.36 per square foot of above grade living area, including land.

In rebuttal the board of review provided a statement from the township assessor asserting the subject property's May 2016 sale was a foreclosure transaction. The assessor also stated that in 2016 the home was updated including the addition of a bathroom in the lower level. The board of review also submitted a copy of an MLS listing of the subject property in April 2018 for a price of \$159,900 describing the subject property as being rehabbed in 2016. The listing indicated the property had a new well pump and a roof that was replaced in 2016. This listing expired on June 28, 2018. The board of review submitted a copy of a second listing of the property on June 28, 2018 for a price of \$154,900 and it was off the market on September 2018.

In rebuttal the appellant's counsel stated board of review did not dispute the recent sale. Additionally, the appellant's counsel also argued the board of review evidence was neither responsive nor relevant to the basis of the appeal.

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.

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, and land area. These comparables are newer than the subject property, but this would be offset somewhat by the fact the subject dwelling was rehabbed in 2016. These properties also sold proximate in time to the assessment date at issue.

The comparables sold for prices ranging from \$118,000 to \$134,900 or from \$129.45 to \$139.36 per square foot of living area, including land. The subject's assessment reflects a market value of \$119,256 or \$92.52 per square foot of living area, including land, which is within the overall price range but below the range established by the comparable sales on a square foot basis. The Board gives less weight to the subject's purchase due to the fact the May 2016 sale was a foreclosure transaction and the price of \$70,000 or \$54.31 per square foot of living area, including land, is significantly below the purchase prices of the comparable sales presented by the board of review further calling into question whether the subject's purchase price is indicative of fair cash value. Furthermore, the evidence indicates the property was rehabbed after the purchase which also undermines the appellants' argument that the purchase price is reflective of fair cash value as of January 1, 2017. Additionally, the subject's April 2018 listing price of \$159,900 or \$124.05 per square foot of living area, including land, weakens the appellants' 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

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