



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

APPELLANT: Christine Rusniak  
DOCKET NO.: 18-04390.001-R-1  
PARCEL NO.: 10-20-277-001

The parties of record before the Property Tax Appeal Board are Christine Rusniak, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company in Mundelein; 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:** \$74,771  
**IMPR.:** \$81,486  
**TOTAL:** \$156,257

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 2018 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 is improved with a part two-story dwelling of frame construction containing approximately 2,790 square feet of living area. The dwelling was built in 1991. Features of the home include a finished walkout basement, central air conditioning, one fireplace and an attached three-car garage. The property also has a 1,064 square foot deck. The subject has a 23,259 square foot lake front site located along Lake Jerilyn, McHenry, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$440,000 as of January 1, 2016. The appraisal was prepared by Steven L. Smith, a certified residential real estate appraiser. Smith developed the sales comparison approach to value using five comparables sales improved with two-story dwellings that ranged in size from 2,184 to 4,132

square feet of living area. The comparables were described as having lake front, channel front or pond locations with sites ranging in size from 10,890 to 53,143 square feet of land area. The comparables are located from .11 to 1.37 miles from the subject property. The homes are described as ranging in age from 11 to 96 years old. Four of the comparables have basements with three having finished area. Each home has central air conditioning, one or two fireplaces and a 2, 3, 4, or 6-car garage. The sales occurred from November 2013 to October 2016 for prices ranging from \$315,000 to \$645,000 or from \$105.22 to \$169.41 per square foot of living area, including land. Adjustments were made to the comparables for differences from the subject to arrive at adjusted prices ranging from \$419,250 to \$479,600. The appraiser arrived at an estimated market value of \$440,000 using this analysis. The appellant requested the subject's assessment be reduced to \$146,652 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$156,257. The subject's assessment reflects a market value of \$469,240 or \$168.19 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for McHenry County of 33.30% 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 that were identified by the township assessor that were improved with two, one-story style dwellings and one part one-story and part two-story dwelling that range in size from 2,621 to 3,272 square feet of living area. The homes were constructed from 1958 to 1986. One comparable has a basement with finished area. Each property has central air conditioning, one or two fireplaces, and a two-car or a three-car garage. The comparables have sites ranging in size from 28,000 to 56,527 square feet of land area and are located from .32 to .89 miles from the subject property. The township assessor explained that comparables #1 and #3 are located on Pistakee Lake, while the subject has access to that lake through Lake Jerilyn. The assessor explained that comparable #3 was used even though it is a one-story dwelling because of its lake front location and similar overall size. The assessor also stated that comparable #2 is located on Weston Lake, which does not have direct access to the chain of lakes but does have access through an HOA lot located on Lake Jerilyn. These comparables sold in August 2017 or May 2018 for prices ranging from \$400,000 to \$475,000 or from \$143.88 to \$179.32 per square foot of living area, including land. The assessor made adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$467,860 to \$524,810.

### **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 to be the comparable sales submitted by the board of review, despite the fact that two of the board of review comparables differed from the

subject in style, these properties sold more proximate in time to the assessment date than did the comparables contained in the appellant's appraisal. The board of review comparable sales sold for prices ranging from \$400,000 to \$475,000 or from \$143.88 to \$179.32 per square foot of living area, including land. Comparables #1 and #3 would require upward adjustments due to the lack of basements while the subject has a full walkout basement with finished area. These two comparables would also require upward adjustments for having two-car garages while the subject has a three-car garage. The subject's assessment reflects a market value of \$469,240 or \$168.19 per square foot of living area, including land, which is within the range established by the board of review comparable sales and well supported considering the upward adjustments that would be needed to two of the comparables. Less weight was given the appellant's appraisal as the effective date of the report predated the assessment date by two years and the comparable sales used in the report did not occur proximate in time to the assessment date. Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct and a reduction in the 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:

January 19, 2021



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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