



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

APPELLANT: Adam Hansen
DOCKET NO.: 19-00553.001-R-1
PARCEL NO.: 19-12-253-020

The parties of record before the Property Tax Appeal Board are Adam Hansen, 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 **A Reduction** 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: \$26,191
IMPR.: \$109,629
TOTAL: \$135,820

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 2019 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 custom built two-story dwelling of frame exterior construction with 3,028 square feet of living area. The dwelling was constructed in approximately 2016 and is 3 years old. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 3-car garage with 764 square feet of building area. The property has a 14,950 square foot site and is located in, Cary, Algonquin Township, McHenry County.

The appellant's appeal is based on both overvaluation and assessment equity with respect to the improvement assessment.

In support of the overvaluation argument the appellant submitted evidence disclosing the subject property was purchased on February 24, 2017 for a price of \$407,500. The appellant completed Section IV – Recent Sale Data indicating the property was purchased from Ridgefield Homes LLC, was not a transfer between family members or related corporations, that the property was

sold by the owner and had been advertised in the Multiple Listing Service (MLS) and online for a period of approximately 10 months. In support of the subject's sale, the appellant submitted copies of the purchase contract, PTAX-203 Real Estate Transfer Declaration, MLS listing, a Listing and Property History Report and settlement statement. The settlement statement disclosed commissions paid to real estate professionals and the PTAX-203 provided additional support of an arm's length transaction. The listing history report included a February 2020 subsequent listing of the subject property for a price of \$449,900 which was cancelled after 40 days on market.

In support of the equity argument, appellant submitted a grid analysis and property details from the Algonquin Township and online sources for four comparable properties located in different assessment neighborhood codes than the subject and within 1.71 miles from the subject property. The comparables are improved with two-story dwellings of frame exterior construction that range in size from 3,155 to 3,504 square feet of living area. The homes range in age from 2 to 16 years old. Each comparable has a basement, one with finished area, central air conditioning, one fireplace and a garage ranging in size from 670 to 718 square feet of building area. Comparable #4 has an inground swimming pool and comparables #2, #3 and #4 were further described as custom homes. The comparables have improvement assessments ranging from \$99,053 to \$117,667 or from \$30.02 to \$36.21 per square foot of living area.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$135,191 and an improvement assessment of \$109,000 or \$36.00 per square foot of living area. The appellant's requested total assessment reflects a market value of \$405,614 when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's assessment reflects a market value of \$435,803 or \$143.92 per square foot of living area, land included, when using the 2019 three year average median level of assessment for McHenry County of 33.33% as determined by the Illinois Department of Revenue. The subject has a total assessment of \$145,253 and an improvement assessment of \$119,062 or \$39.32 per square foot of living area.

On the basis of overvaluation, the board of review submitted information on six comparable sales located from 0.71 to 1.71 miles from the subject property. The comparables have sites that range in size from 18,096 to 28,279 square feet of land area that are improved with two-story dwellings with 3,002 to 3,504 square feet of living area and range in age from 6 to 27 years old. Each comparable has a basement, three with finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 670 to 1,053 square feet of building area. Comparables #2 and #5 each have an inground swimming pool. The comparables sold from September 2018 to October 2019 for prices ranging from \$368,000 to \$500,000 or from \$112.20 to \$154.89 per square foot of living area, land included.

As to the inequity argument, the board of review submitted nine equity comparables located from 0.02 to 1.71 miles from the subject. Board of review comparables #1, #2, #3 and #4 are the same properties as the appellant's equity comparables #1, #2, #3 and #4. The comparables are improved with two-story dwellings that range in size from 2,793 to 3,504 square feet of living area and range in age from 3 to 19 years old. Each comparable has a basement, four with

finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 670 to 1,053 square feet of building area. Comparables #2 and #4 each have an inground swimming pool and comparable #8 has a screened-in porch feature. The properties had improvement assessments that ranged from \$99,053 to \$117,667 or from \$30.02 to \$40.94 per square foot of living area.

Based on this evidence, the board of review offered to lower the subject's total assessment to \$139,788 reflecting a market value of \$419,406 or \$138.51 per square foot of living area, land included and an improvement assessment for the subject of \$113,597 or \$37.52 per square foot of living area.

In a letter dated October 16, 2020, the appellant rejected the board of review's offer to stipulate arguing the board of review took into consideration a listing price for the subject property dated February 2020, which the appellant stated is approximately one year after the January 1, 2019 assessment date at issue.

Conclusion of Law

The appellant contends, in part, 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue. The Board also gave less weight to the board of review's comparable sales #3, #4, #5 and #6 which are older in age when compared to the subject's age of approximately 3 years.

The Board finds the best evidence of market value to be board of review comparable sales #1 and #2 which are relatively similar to the subject in age, location, design, dwelling size and some features. Comparable #2 includes an inground pool, a feature which the subject lacks, suggesting a downward adjustment would be needed to make this property more equivalent to the subject. These comparables sold in October 2019 and November 2018 for prices of \$412,500 and \$460,000 or for \$130.74 and \$131.28 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$435,803 or \$143.92 per square foot of living area, including land, which is bracketed by the two best comparable sales on an overall basis and is above the two best comparables on a per square foot basis. After considering adjustments to the comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment, based on overvaluation is justified.

The taxpayer also contends assessment inequity as an alternative basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties

showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). After considering the reduction to the subject's assessment based on overvaluation, the Board finds a further reduction in the subject's assessment based on inequity 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 21, 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

AGENCY

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