



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

APPELLANT: Cynthia Wolf
DOCKET NO.: 19-02561.001-R-1
PARCEL NO.: 09-28-130-001

The parties of record before the Property Tax Appeal Board are Cynthia Wolf, 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: \$10,384
IMPR.: \$52,449
TOTAL: \$62,833

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 part 2-story and part 1-story townhome of brick exterior construction with 2,956 square feet of living area. The dwelling was constructed in 1990. Features of the home include a walk-out basement with finished area, central air conditioning, two fireplaces and a 576 square foot 2-car garage. The property has an 1,840 square foot site and is located in McHenry, McHenry Township, McHenry County.

The appellant's appeal is based on both overvaluation and assessment inequity. The subject's land assessment was not challenged.

In support of the overvaluation argument the appellant submitted information on a recent sale of the subject property and four comparable sales. The appellant completed Section IV – Recent Sale Data disclosing the subject property was purchased on December 15, 2017 for a price of \$185,000. The property was sold by Thomas Popovich DBA Popovich Properties, was not a

transaction between family members or related parties, the sale was facilitated by a real estate professional and had been listed on the open market for a period of approximately two years. In further support of the subject's December 2017 purchase, the appellant submitted a copy of the settlement statement which disclosed commission was paid to Re/Max.

The appellant also submitted information on four comparables with both sales and equity information. The comparables are located one block or less of the subject and in the same assessment neighborhood code as the subject property. The comparables are improved with part 2-story and part 1-story townhomes of brick exterior construction that range in size from 2,524 to 4,000 square feet of living area. The dwellings are either 25 or 30 years old. One comparable has a basement with finished area and each comparable has central air conditioning, two fireplaces and a 576 square foot 2-car garage. The comparables sold from November 2017 to March 2019 for prices ranging from \$172,500 to \$250,250 or from \$62.56 to \$91.37 per square foot of living area, land included. The comparables had improvement assessments that range from \$43,110 to \$68,702 or from \$19.77 to \$24.82 per square foot of living area.

The appellant also submitted written comments describing elements of the subject property and comparables, asserting that properties in the subject's Chesapeake Hills subdivision either suffer from "significant disrepair" or have been "completely gutted and redone." The appellant claimed the subject property, along with comparable sales #1 and #2, reflect properties with "significant disrepair." While the remaining two comparable sales submitted by the appellant were described as being in "pristine" condition at the time of sale. The appellant submitted printouts from an online real estate website for the subject and comparable properties. The Board finds that minimal descriptions were provided in these online sheets with respect to condition of each property. The appellant also claimed that an identical home in the subject's neighborhood, not submitted as a comparable, with superior features has a lower assessment than the subject property and that the subject's assessment is the highest in the Chesapeake Hills subdivision.

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$62,833 which reflects a market value of \$188,518 or \$63.77 per square foot of living area, land included. The request would lower the subject's improvement assessment to \$52,449 or \$17.74 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$79,260. The subject's assessment reflects a market value of \$237,804 or \$80.45 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 an improvement assessment of \$68,876 or \$23.30 per square foot of living area.

In support of its contention of the correct assessment on market value grounds, the board of review submitted information on five comparable sales located within 0.05 of a mile from the subject property. Board of review comparable sales #1, #3, #4 and #5 are the same properties as the appellant's comparables #1, #4, #3 and #2, respectively. The comparables are improved with part 2-story and part 1-story townhomes that have either 2,542 or 2,890 square feet of living area and are either 25 or 30 years old. Two comparables have finished basements and each

comparable has central air conditioning, one or two fireplaces and a 2-car garage. The comparables sold from November 2017 to July 2019 for prices ranging from \$172,500 to \$260,000 or from \$68.34 to \$102.28 per square foot of living area, land included.

On equity grounds, the board of review submitted information on three equity comparables located in the same neighborhood code as the subject property. Board of review equity comparable #2 is the same property as the appellant's comparable #3. The comparables are improved with part 2-story and part 1-story townhomes of brick exterior construction that range in size from 2,542 to 2,956 square feet of living area. The homes are either 25 or 30 years old. Each comparable has a finished basement, central air conditioning, one or two fireplaces and a 2-car garage. The comparables have improvement assessments ranging from \$64,577 to \$68,702 or from \$23.22 to \$25.40 per square foot of living area.

The board of review included written comments in its Notes on Appeal indicating the subject's December 2017 sale was "not useable for a 2019 value" and critiqued the appellant's comparables as being dissimilar to the subject in dwelling size and basement finish. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant submitted comments indicating the subject's Chesapeake Hills development contains 24 total units, half of which have basements. The appellant explained that it appeared the McHenry Township Assessor deemed homes in the subject's development without basements to not be comparable to the subject which has a finished basement. The appellant further stated that some finished area in the basement suffered from moisture damage and had been removed. In short, the appellant argued that while dwelling size and features are important, condition of a property should also be taken into consideration when determining value and assessed value of the subject property. The appellant submitted information on a new comparable sale in the subject's subdivision which was described as similar to the subject in condition and other features.

Conclusion of Law

As an initial matter, the appellant provided a new comparable property in the subject's neighborhood not previously submitted by the appellant as a comparable sale. Section 1910.66(c) of the rules of the Property Tax Appeal Board provides:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Admin.Code 1910.66(c))

Pursuant to this rule, the Property Tax Appeal Board finds that the new comparable submitted by the appellant is improper rebuttal evidence and will not be considered by the Board in its determination of the correct assessment.

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 appellant submitted evidence of a recent sale of the subject property and four comparable sales while the board of review submitted five comparable sales, four of which were also submitted by the appellant, for the Board's consideration.

The Board finds the best evidence of market value to be the purchase of the subject property in December 2017 for a price of \$185,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market in the Multiple Listing Service and it had been on the market for approximately two years. In further support of the transaction the appellant submitted a copy of the settlement statement which disclosed commissions paid to a Realtor. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. While the board of review included comments indicating the subject's December 2017 sale was "not useable" for a 2019 valuation, it included a comparable sale from November 2017, thus rendering this reasoning meritless. Further, an analysis of the assessment-to-sale price ratio of the board of review comparable sales indicates assessments at or below 100% of the sale price, while the subject's assessment is approximately 128% of the purchase price. Based on this record the Board finds the subject property had a market value of \$185,000 as of January 1, 2019. Since market value has been determined the 2019 three-year average median level of assessment for McHenry County of 33.33% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

The Illinois Supreme Court has held that a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway co. of Chicago, 37 Ill.2d 158 (1967)

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: November 16, 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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