



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

APPELLANT: Nicholas Marzullo
DOCKET NO.: 19-02709.001-R-1
PARCEL NO.: 19-27-432-023

The parties of record before the Property Tax Appeal Board are Nicholas Marzullo, 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: \$18,537
IMPR.: \$67,121
TOTAL: \$85,658

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 two-story dwelling of frame exterior construction with 2,265 square feet of living area. The dwelling was constructed in 1942. Features of the home include central air conditioning, a fireplace and a 449 square foot garage. The property has approximately an 11,085 square foot site and is located in Algonquin, Algonquin Township, Cook County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant completed Section IV – Recent Sale Data disclosing the subject property was purchased on September 6, 2017 for a price of \$257,000. The property was purchased from Lou Licastro and the parties were not family members or related corporations. The appellant further indicated the property was sold by a realtor and was advertised for sale through the Multiple Listing Service for approximately 4.5 months.

In further support, the appellant submitted information on four comparable sales located within 3.5 blocks from the subject. The comparables have sites ranging in size from 11,630 to 16,926 square feet of land area and are improved with 1.5-story or 2-story dwellings ranging in size from 2,106 to 2,516 square feet of living area. The comparables are 78 to 90 years old. One comparable has a basement. Each comparable has central air conditioning, a fireplace and a garage ranging in size from 448 to 762 square feet of building area. The comparables sold from December 2014 to August 2017 for prices ranging from \$103,000 to \$292,000 or from \$48.91 to \$123.42 per square foot of living area, including land. Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$92,725. The subject's assessment reflects a market value of \$278,203 or \$122.83 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 board of review argued no sales have occurred within one year of the subject's assessment date.

In support of its contention of the correct assessment the board of review submitted a grid analysis for each parties' comparable sales that was prepared by the township assessor. The assessor's three comparables are located within .36 of a mile from the subject.¹ The comparables have sites ranging in size from 4,479 to 9,247 square feet of land area and are improved with two-story dwellings ranging in size from 2,039 to 2,210 square feet of living area. The dwellings were constructed from 1950 to 1959. The comparables have central air conditioning, a fireplace and a garage ranging in size from 463 to 619 square feet of building area. The comparables sold from September 2005 to January 2018 for prices ranging from \$280,000 to \$420,000 or from \$126.70 to \$200.57 per square foot of living area, land included. Based on this evidence, the board of review requested that the subject's assessment be confirmed.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in September 2017 for a price of \$257,000. 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 with the Multiple Listing Service and it had been on the market for 4.5 months. The Board finds the purchase price of \$257,000 is below the market value of \$278,203 as 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

¹ The Board finds the sale price and sale date for comparable #4 was not disclosed, therefore, it will not be considered for further analysis.

transaction or to refute the contention that the purchase price was reflective of market value. Furthermore, the Board gave less weight to the comparable sales in the record due to their dated sales which were less proximate in time to the January 1, 2019 assessment date than the subject's sale date, or were dissimilar in age and/or smaller site size when compared to the subject. Based on this record the Board finds the subject property had a market value of \$257,000 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).

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: May 18, 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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