



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

APPELLANT: Richard Loveisky
DOCKET NO.: 19-03581.001-R-1
PARCEL NO.: 18-36-452-003

The parties of record before the Property Tax Appeal Board are Richard Loveisky, 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: \$12,934
IMPR.: \$108,640
TOTAL: \$121,574

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 two-story and part one-story dwelling of frame with brick trim exterior construction containing 2,584 square feet of living area. The dwelling was built in 2003 and has a reported effective age of 7 years.¹ Features of the home include a partial basement, central air conditioning, a fireplace and an attached three-car garage containing 680 square feet of building area. The property has an approximately 14,875 square foot site and is located in Algonquin, Grafton Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a Desktop Valuation for the subject property prepared by Steven L. Smith, a Certified Residential Real Estate Appraiser, estimating a market value of \$340,000 or \$131.58

¹ Some of the data concerning the subject property has been drawn from the property record card supplied by the board of review.

per square foot of living area, including land, as of January 1, 2019. The client named in the report is the appellant's counsel's law firm, The Tax Appeal Company. The report has a stated purpose on page 1 of determining the market value for the subject property primarily utilizing the sales comparison approach and in the Addendum is described as a Restricted Appraisal Report. According to page 1 of the report, "This report is intended to be used for loan purposes and limited for use under" specified circumstances of adequate comparable market data in the neighborhood, fee simple property rights are appraised, and zoning is residential. The reliability of the valuation may be impacted by the appraiser's lack of inspection of the subject. However, in the Addendum to the report it states the intended use is to evaluate the property for a real estate tax appeal only (Ad Valorem), subject to the stated Scope of Work, purpose, reporting requirements and definition of market value; moreover, the report is not for mortgage financing purposes.

The appraiser assumed the subject dwelling was in average condition. In the sales comparison analysis, Smith selected three comparables, two of which are located on the same street as the subject property, and which are located from .04 to .33 of a mile from the subject. A map supplied with the appraisal depicts that the properties are relatively close in proximity to the subject and south of Wintergreen Terrace. The parcels range in size from 8,540 to 19,088 square feet of land area and are improved with dwellings ranging in age from 1 to 17 years old. The homes range in size from 2,141 to 3,190 square feet of living area. Each comparable is described as being in either average or average+ condition. Each comparable has a basement, with comparables #1 and #2 each having a finished basement. The comparables sold from August 2018 to July 2019 for prices ranging from \$312,000 to \$408,000, including land.

Smith asserted that comparables #1 and #3 were the most similar to the subject based on overall appeal and were given the most weight. Adjustments were reportedly market based, using a paired sales analysis and were maintained in the appraiser's work file. Unadjusted sales prices range from \$117.24 to \$145.73 per square foot of living area, including land, with a median sales price of \$130.29 which, when applied to the subject property results in a value of \$336,669. Given the foregoing data, Smith opined a market value for the subject property of \$340,000 as of January 1, 2019.

Based on this evidence, the appellant requested a reduced total assessment of \$113,332 which would reflect a market value of \$340,030, including land, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$121,574. The subject's assessment reflects a market value of \$364,758 or \$141.16 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.

In response to the appeal, the board of review contends that the appellant's desktop appraisal included no adjustments. Additionally, James Burke, Grafton Township Deputy Assessor, contends in a memorandum that the appellant failed to prove the subject's market value by a preponderance of the evidence, based in part on the assessor's statistical analysis of the subject's neighborhood based using 59 sales that occurred from January 1, 2016 to "early 2019" that

generated a median market value of \$380,000 "with a 90% confidence interval of \$368,782 to \$386,426."

In support of its contention of the correct assessment, the board of review submitted a spreadsheet with information on four comparable sales located in the same assessment neighborhood code as the subject property. A map supplied with the appeal depicts that each of these comparables appear to be approximately equally distant from the subject dwelling and north of Wintergreen Terrace; in contrast, these properties are further distant from the appraisal sales comparables which are south of Wintergreen Terrace and closer to the subject's location. The assessor's spreadsheet reports the comparables are from .55 to .67 of a mile from the subject. The data supplied by the board of review failed to provide the lot sizes; the second spreadsheet depicts the subject and three of the comparables as having "standard" lots whereas comparable #3 has a "superior" lot which on the aerial map backs to either open space or perhaps a golf course. Each comparable consists of either a two-story or a part two-story and part one-story dwelling that was built between 1994 and 2004. The homes range in size from 2,378 to 2,784 square feet of living area. Each comparable has a basement, a fireplace and a garage ranging in size from 618 to 722 square feet of building area. Comparable #2 also has an inground swimming pool. No data on central air conditioning was set forth in the submission. The comparables sold from June 2018 to July 2019 for prices ranging from \$325,000 to \$440,000 or from \$133.22 to \$158.05 per square foot of living area, including land. In a second spreadsheet the township assessor's office displayed various adjustments to the four comparable sales for site value designation, dwelling size, number of bathrooms and/or pool amenity setting forth adjusted sales prices ranging from \$333,768 to \$431,400 resulting in a weighted average adjusted sale price of \$368,900.

Based on the foregoing argument and evidence, the board of review requested confirmation of the subject's assessment.

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 appellant submitted an appraisal of the subject property with a final value conclusion of \$340,000, while the board of review submitted no appraisal and, instead, submitted comparable sales from the subject's subdivision. Due to the lack of reported adjustments and reasons therefore, the Board has given little weight to the Desktop Appraisal of the subject property's value conclusion which simply presented three sales and utilized the unadjusted sales prices to arrive at Smith's final value opinion. Thus, having thoroughly examined the appellant's appraisal report, the Board gives little weight to the value conclusion determined utilizing unadjusted sales comparables. Given the deficiencies in the value conclusion presented by Smith, the Board finds the appraiser's value conclusion is not a credible or reliable indicator of

the subject's estimated market value as of the assessment date of January 1, 2019. Instead, the Board will examine the raw sales data presented by both parties.

The Board has given reduced weight to appraisal sale #3 as this dwelling was described as being a year old as compared to the subject dwelling that is 16 years old. The Board has given reduced weight to board of review sales #2 and #3 due to inground pool and superior lot types, respectively, when compared to the subject which has neither of these features.

Therefore, the Board finds the best evidence of market value to be the appellant's appraisal sales #1 and #2 along with board of review comparable sales #1 and #4. These four comparables are located in relatively close proximity to the subject and feature dwellings of similar design, size and most features when compared to the subject. These four comparables sold from August 2018 to July 2019 for prices ranging from \$325,000 to \$408,000 or from \$117.24 to \$136.67 per square foot of living area, including land. The subject's assessment reflects a market value of \$364,758 or \$141.16 per square foot of living area, including land, which is within the range established by the best comparable sales in the record in terms of overall value and slightly above the range on a per square foot basis which appears to be logical when giving due consideration to the subject's age and dwelling size as compared to the best comparable sales in the record. Based on this evidence and after considering adjustments to the best comparables for differences when compared to the subject, 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:

May 17, 2022



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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