



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

APPELLANT: Bob Wallen PMDW Ventures
DOCKET NO.: 19-03641.001-R-1
PARCEL NO.: 01-35-302-013

The parties of record before the Property Tax Appeal Board are Bob Wallen PMDW Ventures, the appellant, by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$8,445
IMPR.: \$29,727
TOTAL: \$38,172

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 multi-parcel site improved with a one-story dwelling of frame exterior construction with 1,380 square feet of living area.¹ The dwelling was built in 1951 and is approximately 68 years old. The home features a partial basement and a 484-square foot garage. The subject's three parcels have a combined land area of 39,120 square feet and are located in Harvard, Chemung Township, McHenry County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased in July 2017 for a price of

¹ The board of review disclosed that in addition to the property identification number (PIN) that is the subject matter of this appeal, the subject property consists of two additional parcels, 01-35-351-001 & 01-35-351-058. The Board finds that the appellant did not include these additional PINs on the appeal form or include the notice of final decision by the board of review with respect to the additional two PINs.

\$78,000 from “OOR,” presumably owner of record. The appellant partially completed Section IV–Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related, the property was sold by a realtor and the property was advertised for sale through the Multiple Listing Service. The appellant did not disclose the length of time on the market, whether or not the property sold due to a foreclosure, whether or not the property sold using a contract for deed, or whether any renovations were made prior to occupying the residence. To document the sale, the appellant submitted copies of the Multiple Listing Service (MLS) data sheet and Settlement Statement associated with the sale of the subject (including all three parcels) which disclosed real estate commissions were paid.

As additional support for the claim, the appellant submitted information on four comparable sales located in the same city as the subject property. The comparables’ site sizes were not disclosed. The comparables are improved with one-story dwellings that range in size from 672 to 1,504 square feet of living area.² The dwellings were built from 1923 to 1955. One comparable has an unfinished basement, and each comparable has a garage containing either 242 or 484 square feet of building area. The comparables sold from January to April 2018 for prices ranging from \$45,333 to \$73,000 or from \$30.14 to \$108.63 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment of \$38,172 for the parcel that is the subject matter of this appeal.³ The parcel's assessment reflects a market value of \$114,527 or \$83.00 per square foot of living area, including land, 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 reply, the board of review through the township assessor submitted a memorandum arguing that the subject property consists of three parcels, but the appellant’s evidence does not include the two additional parcels that were part of the subject’s sale. The board of review asserted that the subject’s residence is located partially on one of the two omitted parcels. Moreover, the board of review contended that the grid analysis submitted by the appellant contained incorrect data with respect to three comparable properties. Finally, the board of review argued that one comparable was a bank REO (real estate owned) property and that each of the appellant’s comparables differs from the subject in terms of age, foundation, dwelling size, and/or location.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located in the same city as the subject property. The comparables have sites of either 8,712 or 9,240 square feet of land area and are improved with one-story dwellings of masonry exterior construction that range in size from 1,312 to 1,427 square feet of living area. The dwellings were built from 1966 to 1983. The comparables each have a full or

² The parties disagree as to the dwelling sizes of appellant’s comparables #1, #2, and #4. The Board finds the best evidence of the comparables’ dwelling sizes is the property record cards for the aforementioned comparables submitted by the board of review.

³ The grid analysis submitted by the board of review depicts that PINs 01-35-351-001 & 01-35-351-058 had separate assessment amounts of \$2,192 and \$292, respectively.

partial basement, one comparable has central air conditioning, and each comparable has a garage ranging in size from 345 to 484 square feet of building area. The sales occurred from April to November 2018 for prices ranging from \$120,800 to \$162,000 or from \$89.88 to \$113.52 per square foot of living area, including land. In addition, the board of review submitted property record cards for the subject and each of the parties' comparables and an aerial photo of the subject parcels. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's counsel argued that the board of review comparables differ from the subject in age, that the Property Tax Appeal Board "shall consider compulsory sales as valid comparable sales," pursuant to Section 16-183 or the Property Tax Code, and that the analysis process utilized by the Property Tax Appeal Board is unequitable and fundamentally flawed.

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.

Initially, with respect to the appellant's argument that the Property Tax Appeal Board "shall consider compulsory sales **as valid comparable sales**," (emphasis added), the appellant's counsel has misstated the statute.

Section 16-183 of the Property Tax Code states as follows:

The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

(35 ILCS 200/16-183).

The Property Tax Code neither mandates nor suggests that Property Tax Appeal Board must find **all** compulsory sales "valid," i.e., satisfying all the fundamental elements of an arm's length transaction.

In rebuttal, appellant's counsel took issue with the Property Tax Appeal Board's use of ranges for overall value or sale price per square foot of comparables when ruling on assessment appeals as being fundamentally flawed and unequitable. The Board finds that each appeal stands on its own merits before the Property Tax Appeal Board in terms of substantive evidence. The decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist.

1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellants' counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The Board finds that the subject's sale which occurred in July 2017 is somewhat dated considering the January 1, 2019 assessment date at issue and therefore less likely to accurately reflect the subject's market value as of that date than some of the more recent comparable sales in this record. Moreover, the appellant failed to disclose whether the subject sale was due to a foreclosure action, a short sale, or other type of compulsory sale. Finally, the appellant failed to submit a copy of the Real Estate Transfer Declaration (PTAX-203) form associated with the sale of the subject property, thus calling into question whether the sale was between a willing buyer and a willing seller and whether the subject sale had all the fundamental elements of an arm's length transaction. Finally, the Board finds that the appellant did not contest board of review's argument that the subject's sale price included all three parcels, and each parcel has a separate assessment and value as noted on the board of review grid. Consequently, the Board finds that the subject's sale price of \$78,000 (which includes the combined three parcels) is not an accurate reflection of the single parcel that was listed on the appeal petition.

In the alternative, the appellant submitted information on four comparable sales in support of the overvaluation argument before the Property Tax Appeal Board. The Board gave less weight to the appellant's comparables based on their significantly smaller dwelling sizes, and/or lack of basements, dissimilar to the subject, along with failure to disclose the comparables' lot sizes thus making it difficult to conduct a complete comparative analysis to the subject.

The Board finds the best evidence of market value in the record to be the three comparable sales submitted by the board of review. These comparables are similar to the subject in style, construction, dwelling size, foundation, and some features. These properties also sold more proximate in time to the assessment date at issue than the subject sale. However, each of these comparables are newer in age and have smaller lot sizes relative to the subject, thus suggesting that adjustments are needed to make these comparables more equivalent to the subject. These three best comparables in the record sold from April to November 2018 for prices ranging from \$120,800 to \$162,000 or from \$89.88 to \$113.52 per square foot of living area, including land. The subject's assessment reflects a market value of \$114,527 or \$83.00 per square foot of living area, including land, which is below the range established by the best comparable sales in this record both in terms of overall value and on a per square foot basis. After considering the adjustments to the best comparables in the record, the Board finds that the subject's market value as reflected by its assessment is supported.

In conclusion, based on this record the Board finds that the appellant did not establish by a preponderance of the evidence that the subject property is overvalued and, therefore, a reduction in the subject's assessment is not warranted.

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 18, 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

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