



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

APPELLANT: Denise Dumont-Meyer
DOCKET NO.: 19-07654.001-R-1
PARCEL NO.: 10-18-177-044

The parties of record before the Property Tax Appeal Board are Denise Dumont-Meyer, 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: \$ 32,294
IMPR.: \$ 84,372
TOTAL: \$116,666

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 1.5-story dwelling of frame exterior construction with 2,790 square feet of living area. The dwelling was constructed in 1938 and is approximately 81 years old. Features of the home include a crawl-space foundation, central air conditioning, a fireplace and a detached two-car garage. The property has a 9,372 square foot site on the Fox River with 65 feet of water frontage and is located in Johnsbury, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared by Charles Walsh estimating the subject property had a market value of \$350,000 as of January 1, 2019. The purpose of the appraisal was to determine the market value of the subject property for a property tax appeal. With the signatures to the report, the appraiser reported an interior and exterior inspection performed on April 13, 2020; however, in the remarks within the sales comparison approach, Walsh wrote, "Due to COVID-

19, we were not allowed inside the property" and therefore asserted the inspection was exterior only with the interior description based upon the homeowner's input.

Walsh described the dwelling as an older home "with evidence of exterior depreciation (see photos) which would have a negative impact on the subjects [*sic*] value." Five photographs included with the report appear to depict exterior deferred maintenance. As part of the appraisal, Walsh indicated the home had an effective age of 45 years.

Using the sales comparison approach to value, Walsh analyzed three comparable sales located within a mile from the subject. The parcels range in size from 4,779 to 8,400 square feet of land area. Each comparable is located like the subject with riparian rights and a water frontage of either 40 or 60 feet. The parcels are each improved with either a Cape Code, a two-story or a three-story dwelling of average quality construction like the subject. The subject and comparable #1 are deemed to be in average condition whereas both comparables #2 and #3 are deemed to be in superior condition. The homes range in size from 1,820 to 2,558 square feet of living area. The homes range in age from 67 to 90 years old. Comparable #1 has a full unfinished basement and each dwelling has central air conditioning and a two-car or a three-car garage. Comparables #1 and #2 each have a fireplace. The sales occurred from June 2019 to July 2020 for prices ranging from \$307,500 to \$427,000 or from \$166.93 to \$183.52 per square foot of living area, including land. Additionally, the appraiser reported that comparable #1 sold previously in August 2018 for \$350,000.

The appraiser adjusted the comparables for differences such as view/water frontage, age, condition, dwelling size, bathroom count, foundation type, garage size and/or number of fireplaces when compared to the subject. This resulted in adjusted prices of the comparables ranging from \$325,380 to \$361,260. After analysis, the appraiser arrived at the final opinion of market value as of January 1, 2019 for the subject of \$350,000 or \$125.45 per square foot of living area, including land.

Based on the foregoing evidence, the appellant requested a reduced assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$130,784. The subject's assessment reflects a market value of \$392,391 or \$140.64 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 appellant's evidence, the board of review contended that two of three sales in the appraisal report were nearly 1,000 square feet smaller in dwelling size than the subject. Moreover, given the sales provided by the township assessor's office, the board of review asserts that there were other recent sales more similar in dwelling size to the subject that were available for use in the appraisal.

In addition, the board of review submitted a memorandum written by Mary Mahady, McHenry Township Assessor, critiquing various aspects of the appraisal, including the internal conflict between an exterior only and both an interior and exterior inspection of the dwelling, with

condition adjustments made based upon the owner's comments regarding the subject dwelling, rather than based upon personal inspection. Comparables #1 and #3 are 960 and 970 square feet smaller, respectively, than the subject dwelling. Mahady criticized the dwelling area adjustment of \$30 per square foot; \$15,000 for garage bay; \$3,000 per fireplace; \$8,000 and \$4,000 per full bath and half-bath, respectively; and finally, while a 10% adjustment for superior condition was opined to be excessive, Mahady included this figure in the assessor's comparison grid analysis. Other adjustments made by Mahady were \$35 per square foot of living area; \$6,000 per garage bay; \$2,000 per fireplace; \$6,000 and \$3,000 per full bath and half-bath, respectively. Lastly, Mahady criticized Walsh's use of sales only within Johnsburg and/or Johnsburg school district, and instead expanded the comparables to home on the Fox River contending that buyers of waterfront properties do not necessarily limit themselves to a single community and/or school district; furthermore, waterfront homes are not necessarily always year-round residences and thus school district selection is less of an issue.

In support of its contention of the correct assessment, the board of review submitted information gathered by the township assessor's office, on four comparable sales, which included appraisal sale #2. The comparables are located from 1.01 to 1.99-miles from the subject. The parcels range in size from 8,400 to 26,116 square feet of land area and each comparable is river front parcel like the subject with from 52 to 132 feet of water frontage. The parcels are each improved with either a part 1.5-story and part 1-story or a part 2-story and a part 1-story dwelling of good condition whereas the subject was of average condition. The homes range in size from 2,016 to 2,883 square feet of living area. The homes range in age from 68 to 101 years old. Board of review comparables #1, #2 and #3 each have an unfinished basement and each dwelling has central air conditioning, one or two fireplaces and a two-car to a four-car garage. The sales occurred from May 2019 to April 2020 for prices ranging from \$427,000 to \$490,000 or from \$164.76 to \$217.76 per square foot of living area, including land.

As discussed above, Mahady made adjustments to the four comparable sales for differences from the subject in condition, dwelling size, basement foundation, full baths and half-baths, number of fireplaces, garage size, water frontage and/or other amenities, which resulted in adjusted sales prices ranging from \$387,920 to \$426,730.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal of the subject property and the board of review submitted four suggested comparable sales, one of which is contained in the appraisal, to support their respective positions before the Property Tax Appeal Board. The Board finds the best evidence of

market value to be the appraisal submitted by the appellant. The appellant's appraiser estimated the subject property had a market value of \$350,000 as of January 1, 2019. In estimating the market value of the subject property, the appellant's appraiser utilized the sales comparison approach analyzing properties located within a mile of the subject and with similar lot sizes and water frontage as compared to the subject. The appraiser made adjustments to the comparables to account for numerous differences from the subject property. Despite a conflict in the inspection type, the Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the sales within the report.

In contrast, the board of review submitted a total of four comparable sales, one of which is contained within the appraisal, and the remaining three sales are from 1.4 to 1.99-miles distant from the subject property. While the board of review presented adjustments for some differences, the board of review did not account for the substantially larger lot sizes of comparables #1 and #2 when compared to the subject. Additionally, the adjustments for basements, which are features of each of the three comparables presented by the board of review appear to be made at \$10 per square foot whereas the subject has a crawl-space foundation. In summary, the Board has given reduced weight to the comparables presented by the board of review which differ significantly from the subject in location, lot size and/or water frontage.

The appraisal sets forth an opinion of value of \$350,000 as of January 1, 2019. The subject's assessment reflects a market value of \$392,391, including land, which is above the appraised value. On this record, the Board finds the subject property is overvalued and a reduction in the assessment commensurate with the appellant's request is 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: June 21, 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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