



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

APPELLANT: Keith Schodin
DOCKET NO.: 20-06740.001-R-1
PARCEL NO.: 18-12-453-026

The parties of record before the Property Tax Appeal Board are Keith Schodin, 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: \$6,288
IMPR.: \$62,155
TOTAL: \$68,443

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 2020 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 2-story "Ascot A" model dwelling¹ of frame exterior construction with 1,479 square feet of living area. The dwelling was constructed in 1984. Features of the home include part crawl space and part concrete slab foundation, a fireplace, and a 2-car garage. The property is located in Crystal Lake, Grafton Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located within the same assessment neighborhood code as the subject. The comparables are improved with "Ascot A" or "Ascot B" model dwellings of frame exterior construction with 1,479 or 1,523 square feet of living area. The homes were built from 1983 to 1986. One home has a basement and two homes have a

¹ Additional details regarding the subject property not reported by the appellant are found in the board of review's evidence and were not refuted by the appellant in written rebuttal.

fireplace. Each home has a 2-car garage. The comparables sold from August 2019 to August 2020 for prices ranging from \$135,000 to \$193,000 or from \$91.28 to \$130.12 per square foot of living area, including land.

Based on this 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 \$68,443. The subject's assessment reflects a market value of \$205,165 or \$138.72 per square foot of living area, land included, when using the 2020 three year average median level of assessment for McHenry County of 33.36% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located within 0.29 of a mile from the subject and within the same assessment neighborhood code as the subject. The comparables are improved with 2-story homes of siding exterior construction with 1,479 or 1,597 square feet of living area. The dwellings were built in 1983 or 1984. One home has a basement with finished area. Each home has a fireplace and a 2-car garage. The comparables sold from September 2019 to July 2020 for prices ranging from \$224,000 to \$245,000 or from \$151.45 to \$153.41 per square foot of living area, including land.

The board of review submitted a letter from the township assessor's office contending that the appellant's comparable #1 is a bank REO sale and the appellant's comparable #3 was not advertised for sale.

Based on this 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 record contains a total of seven comparable sales for the Board's consideration. As an initial matter, the Board finds that on this record the appellant's comparable #1 was an arm's length transaction, but the appellant's comparable #3 was not an arm's length transaction. "Illinois law requires that all real property be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is likewise ready, willing, and able to buy, but is not forced to do so. Bd. of Educ. v. Ill. Prop. Tax Appeal Bd., 2011 IL App (2d) 100068, P36, 961 N.E.2d 794, 801, 356 Ill. Dec. 405, 412 (citing Chrysler Corp. v. State Property Tax Appeal Bd., 69 Ill. App. 3d 207, 211, 387 N.E.2d 351, 355, 25 Ill. Dec. 695, 699 (2d Dist. 1979)). The mere fact that the appellant's comparable #1 was a bank REO sale, without further evidence of the circumstances of this sale, does not demonstrate the sale was not an arm's length transaction. With respect to

the appellant's comparable #3, the board of review asserted this property was not advertised for sale, which was not refuted by the appellant in written rebuttal. Accordingly, in the absence of other evidence, the Board finds the appellant's comparable #1 was an arm's length sale and the appellant's comparable #3 was not an arm's length sale.

The Board finds the best evidence of market value to be the appellant's comparables #1, #2, and #4 and the board of review's comparables #1 and #2, which are similar to the subject in dwelling size, age, location, and some features. The Board gave less weight to the board of review's comparable #3, which has a basement with finished area unlike the subject. These most similar comparables sold for prices ranging from \$190,000 to \$225,000 or from \$126.72 to \$152.13 per square foot of living area, including land. The subject's assessment reflects a market value of \$205,165 or \$138.72 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence and after considering appropriate adjustments to the best comparables for differences from 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 16, 2023



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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