



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

APPELLANT: Taivo & Anneliis Hurt
DOCKET NO.: 20-06842.001-R-1
PARCEL NO.: 18-14-177-019

The parties of record before the Property Tax Appeal Board are Taivo & Anneliis Hurt, the appellants; 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: \$24,450
IMPR.: \$108,990
TOTAL: \$133,440

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story dwelling of brick and frame exterior construction with 3,302 square feet of living area. The dwelling was constructed in 1999 and is approximately 21 years old. Features of the home include a partial basement with finished area, central air conditioning and a 3-car garage. The property has an approximately 30,400 square foot site that benefits from a golf course and pond view and is located in Lakewood, Grafton Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$400,000 as of January 1, 2020. The appraisal was prepared by Michael Walsh, a certified residential real estate appraiser. The intended use of the appraisal report was to establish market value as of January 1, 2020 for tax appeal purposes.

The appraiser described the subject as having a larger than typical site size, described the home as maintained and in average condition and reported the kitchen and bathroom features were original to the subject property. The walk-out basement was reported to have a large wraparound room and a half bathroom in addition to unfinished storage and utility areas.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting six comparable sales located from 0.05 of a mile to 1.27 miles from the subject property. The comparables have sites that range in size from 23,608 to 40,128 square feet of land area and are improved with two-story dwellings of brick and frame exterior construction that range in size from 2,938 to 3,986 square feet of living area. The homes range in age from 15 to 32 years old. Each comparable has a full or partial basement, four with finished area, one or two fireplaces, central air conditioning, and a 3-car garage. Each of the comparables are reported to have exterior amenities and a pond view similar to the subject. Comparable #4 is reported to have superior modernization relative to the subject. The comparables sold from April to September 2019 for prices of \$363,000 to \$435,000 or from \$108.03 to \$143.19 per square foot of living area, land included.

After adjusting comparables #2 and #6 for 3% seller paid concession,¹ the appraiser adjusted the comparables for differences with the subject in site size, dwelling size, room count, finished basement area, modernization and fireplace count arriving at adjusted sale prices of the comparables ranging from \$374,700 to \$428,000 and an opinion of market value for the subject of \$400,000.

The appellants also submitted written comments reporting they had decided to sell their home in June 2020 and were told by real estate professionals that a sale price range of \$350,000 to \$375,000 would be expected for the subject in its existing condition. In support of this contention, the appellants submitted copies of two property reports prepared by Realtor David Davis of Keller Williams along with an email from Realtor Mandy Montford of Baird Warner who opined the subject property would sell in the “mid-\$300,000’s” without any updating. The appellants further contended that their property is not comparable to properties that have been remodeled or updated. The appellants included a description of the board of review’s comparable #3 which describes the property as “newly remodeled.” Based on this evidence, the appellants requested the subject’s assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$142,092. The subject's assessment reflects a market value of \$425,935 or \$128.99 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 response, the board of review submitted a brief, a statistical analysis and three comparable sales prepared by the Grafton Township Assessor, Alen Zielinski. The assessor critiqued the appellants’ appraisal asserting the report is “seriously flawed” and does not provide a credible opinion of value for the subject. Specifically, the assessor argued that the appraisal comparables

¹ The appraiser explained that FHA/VA financing is typically associated with seller paid points or concessions to explain the application of the 3% estimated concessions adjustment made for comparables #2 and #6.

are not located in the same neighborhood code as the subject and that no adjustment was made for this difference in location. The assessor questioned the appraiser's application of an estimated concessions for appraisal comparables #2 and #6. The assessor asserted the per square foot adjustment used by the appraiser is understated. The assessor also questioned the appraiser's lot adjustments and noted the subject's incorrect fireplace count and resulting adjustments to the comparables. Finally, the assessor concluded the appraiser was not geographically competent and questioned whether the appraisal was compliant with the Uniform Standards of Professional Appraisal Practices (USPAP).

In support of the assessor's claim that location adjustments were needed, a statistical analysis for neighborhoods codes 180014 and 180085 was submitted. This analysis, which utilized 233 observations, concluded the following: the average sale amounts, average gross living area, and average dwelling ages between the two neighborhoods are statistically different from each other. Additionally, the two neighborhood codes have sale trends, over a seven-year period, that are also statistically different. Thus, the assessor argued, the two neighborhoods are not comparable and require an adjustment which the appraiser failed to make.

In support of its contention of the correct assessment the assessor prepared "micro and macro" analyses for the subject's neighborhood. The "macro" analysis provides only equity information which is not responsive to the appellants' overvaluation argument and shall not be analyzed or discussed further. The "micro" analysis was comprised of information on three comparable sales located in the same neighborhood code as the subject property. The comparables have sites that range in size from 20,000 to 21,409 square feet of land area and are improved with dwellings that range in size from 3,286 to 3,524 square feet of living area that were built from 1998 to 2001. Each comparable has a basement, one or two fireplaces and a garage ranging in size from 631 to 948 square feet of building area. The comparables sold from June 2019 to August 2020 for prices ranging from \$440,000 to \$525,000 or from \$128.50 to \$159.77 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellants contended the appraisal of the subject was prepared by a Certified Residential Appraiser and referred to the appraiser's resume, education and qualifications included in the report. The appellants argued that the average distance of the appraisal comparables from the subject is 0.80 of a mile, while the average distance of the three assessor comparables is 0.50 of a mile and questioned the significance of this differential. The appellants commented that the board of review's micro analysis excluded sale information. Lastly, the appellants asserted that homes in the subject's neighborhood "do not sell for more than \$400,000" unless they have been updated or remodeled, which the appellants contend each of the board of review comparable sales feature and reflected in the sale prices.

Conclusion of Law

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

The appellants submitted an appraisal and the board of review submitted three comparable sales and various statical analyses for the Board's consideration. The Board finds the best evidence of market value to be the appraisal submitted by the appellants. The appraiser presented comparable properties located within a reasonable distance from the subject property, which sold proximate in time to the January 1, 2020 assessment date at issue. While the appraiser made incorrect adjustments associated with the number of fireplaces, the Board does not find this error sufficient to disregard the value conclusion in its entirety. The subject's assessment reflects a market value of \$425,935 or \$128.99 per square foot of living area, including land, which falls above the appraised value. The Board finds the subject property had a market value of \$400,000 as of the assessment date at issue. Since market value has been established the 2020 three-year average median level of assessments for McHenry County of 33.36% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

The Board further finds the board of review did not refute the appellants' assertion that its comparables represent updated or remodeled properties. As a result, these sales were given little weight due to their superior updated condition. The Board gives no weight to the assessor's statistical market analysis which utilizes 233 data points, over an unspecified period of time and is based on average age, dwelling size and average sale price. These general market analyses fail to specifically provide a value for the subject property or account for its condition. The Board finds this type of analysis provides little probative value in determining the subject's correct assessment.

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:

November 22, 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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