



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

APPELLANT: Victoria Nass
DOCKET NO.: 21-06649.001-R-1
PARCEL NO.: 20-29-200-018

The parties of record before the Property Tax Appeal Board are Victoria Nass, 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: \$ 96,127
IMPR.: \$200,230
TOTAL: \$296,357

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 2021 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 frame exterior construction with 5,945 square feet of living area. The dwelling was constructed in 1990. Features of the home include a walkout-style basement with 2,079 square feet of finished area, central air conditioning, three fireplaces, a three-car garage containing 1,055 square feet of building area and an inground swimming pool with a 1,853 square foot pool enclosure. The property has a 5.11-acre site and is located in Barrington Hills, Algonquin Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on three comparable sales, two of which are located within the subject's subdivision. The comparable parcels range in size from 4.98 to 12.06-acres of land area and each of which is improved with a two-story dwelling of either frame or brick exterior construction. The dwellings were built from 1927 to 1992 and range in size from 5,166 to 5,545

square feet of living area. Each dwelling has a basement, one of which has 1,642 square feet of finished area. Features include central air conditioning, at least one fireplace as the specific number were not set forth and a garage ranging size from 934 to 952 square feet of building area. The comparables sold from November 2018 to April 2021 or from \$599,900 to \$750,000 or from \$116.12 to \$137.36 per square foot of living area, including land. Based on this evidence, the appellant requested a reduced total assessment of \$267,498 which would reflect a market value of \$802,574 or \$135.00 per square foot of living area, 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 \$296,357. The subject's assessment reflects a market value of \$889,694 or \$149.65 per square foot of living area, land included, when using the 2021 three year average median level of assessment for McHenry County of 33.31% as determined by the Illinois Department of Revenue.

The board of review noted that the appellant's suggested comparable sales evidence were deemed to lack similarity to the subject due to "the type of sale, condition, date of sale, and age of the dwellings." The board of review also submitted a memorandum and evidence prepared by the Algonquin Township Assessor. In the memorandum, the assessor contended that appellant's comparable sale #1 was a foreclosure sale as shown in the Multiple Listing Service (MLS) data sheet provided indicating it was an "REO/Lender Owned" property which had been initially listed for \$624,900 and then sold for \$599,900. Additionally, the assessor noted that appellant's sales #2 and #3 occurred in 2019 and 2018, respectively.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on six comparable sales, one of which is located within the subject's subdivision. The comparable properties are situated from .81 of a mile to 1.96-miles from the subject property. The comparable parcels range in size from 2.25 to 8.1-acres of land area and each of which is improved with a two-story dwelling. The homes were built from 1979 to 2003 and range in size from 4,762 to 6,683 square feet of living area. Each dwelling has a basement, one of which has finished area and three of which are walkout-style. Features include central air conditioning, two to five fireplaces and a three-car or a four-car garage ranging size from 838 to 1,349 square feet of building area with comparable #2 also having a carport. Comparables #2, #3, #5 and #6 each have an inground swimming pool. Comparable sale #3 also has both a barn and a pole barn. The comparables sold from August 2020 to June 2021 for prices ranging from \$475,000 to \$795,000 or from \$121.08 to \$183.60 per square foot of living area, including land.

The assessor also reported having made unspecified "adjustments" to the board of review comparable sales resulting in reported adjusted sales prices ranging from \$656,459 to \$1,324,124. Based on this evidence and argument, 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 parties submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to each of the appellant's comparables due to the age of the homes when compared to the subject and/or the fact that the sales were more remote in time from the lien date of January 1, 2021 than other sales contained in the record. The Board has also given reduced weight to board of review comparables #1 and #4 due to differences in dwelling size and/or age when compared to the subject dwelling.

The Board finds the best evidence of market value to be board of review comparable sales #2, #3, #5 and #6 which are most similar to the subject in age, dwelling size and some features, including the amenity of an inground swimming pool. These most similar comparables sold from August 2020 to June 2021 for prices ranging from \$987,500 to \$1,500,000 or from \$149.63 to \$236.89 per square foot of living area, including land. The subject's assessment reflects a market value of \$889,694 or \$149.65 per square foot of living area, including land, which is below the range established by the best comparable sales in this record in terms of overall value and at the low end of the range on a per-square-foot basis, which is also logical since board of review comparable #6, which has the lowest price per square foot is also the largest best comparable in the record, reflecting the principle of the economies of scale.

Based on this evidence and after considering appropriate adjustments to the best comparable sales 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: December 19, 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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