



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

APPELLANT: Sherry Padyasek
DOCKET NO.: 21-06652.001-R-1
PARCEL NO.: 20-06-226-004

The parties of record before the Property Tax Appeal Board are Sherry Padyasek, 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: \$60,161
IMPR.: \$131,955
TOTAL: \$192,116

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 1.5-story dwelling of brick exterior construction with 4,214 square feet of living area. The dwelling was constructed in 2001. Features of the home include a walk-out basement with 2,363 square feet of finished area, central air conditioning, three fireplaces and a 1,082 square foot attached garage.¹ The property has an approximately 1.70-acre site and is located in Cary, 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. The appellant did not disclose the proximity of the comparables in relation to the subject but did include a Google map depicting the locations of the subject and the comparables. The comparables have sites that range in size

¹ Descriptive information regarding the subject not provided by the appellant is found in the evidence presented by the board of review.

from .59 to 3.88 acres of land area. The comparables are improved with 1.5-story or 2-story dwellings of frame or vinyl siding exterior construction ranging in size from 3,300 to 4,232 square feet of living area. The dwellings were built from 1950 to 2006. Each comparable has a basement with 1,192 to 2,009 square feet of finished area, central air conditioning, a fireplace and a garage ranging in size from 500 to 1,020 square feet of building area. The comparables sold from October 2019 to September 2021 for prices ranging from \$427,000 to \$500,000 or from \$107.51 to \$129.39 per square foot of living area, including land. Based on this evidence, the appellant requested the subject's assessment be reduced to \$170,481, which would reflect a market value of \$511,494 or \$121.38 per square foot of living area, including land, when using 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 \$192,116. The subject's assessment reflects a market value of \$576,752 or \$136.87 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.

In support of its contention of the correct assessment the board of review, through the township assessor, submitted information on four comparable sales that are located from .12 of a mile to 1.43 miles from the subject property. The board of review reported that comparable #2 consists of two parcels. The comparables have sites that range in size from .26 to 1.11 acres of land area. The comparables are improved with 2-story dwellings that range in size from 3,933 to 4,608 square feet of living area. The board of review did not disclose the exterior construction of the comparable dwellings. The dwellings were built from 1996 to 2000. The comparables each have a basement with 1,103 to 2,351 square feet of finished area, two of which are walk-outs. Each comparable has central air conditioning, one to three fireplaces and an attached garage ranging in size from 812 to 1,069 square feet of building area. Two comparables each have an inground swimming pool. The comparables sold from June 2020 to June 2021 for prices ranging from \$515,000 to \$575,000 or from \$113.44 to \$146.20 per square foot of living area, including land.

The assessor adjusted the comparables for differences from the subject resulting in adjusted sale prices ranging from \$599,541 to \$680,404 and a median adjusted sale price of \$638,554.

The assessor noted that the subject includes a secondary PIN, which has a \$1.00 assessment and the data for the subject shown in the assessor's grid analysis includes both PINs.² The assessor contends that the appellant's comparable #1 was not addressed, because it was built in 1950 and not within the same type of subdivision;³ the appellant's comparable #2 is approximately 1,000 square feet smaller than the subject; and appellant's comparable #3 is an older sale and the

² Although the board of review revealed the appellant owns a secondary PIN identified as 15-31-477-002 located in Nunda Township, the Board finds the appellant did not appeal the assessment of this parcel, therefore, it will not be further addressed in this analysis. Furthermore, the web edition property record card for the secondary PIN provided by the board of review did not include any sales data indicating this parcel was purchased with the subject parcel under appeal identified as PIN 20-06-226-004.

³ The board of review provided a web edition property record card for the appellant's comparable #1 located in Nunda Township, PIN 15-32-353-004 which revealed the owner of this parcel also owns 6.6 acres of land in Algonquin Township identified as PIN 20-05-102-001.

market has been trending upward. The assessor argued that the appellant is requesting a value that is \$44,505 less than their purchase price in October 2019 for \$556,000 or \$131.94 per square foot of living area, including land.

The board of review reiterated the assessor's comments and contended that the appellant's comparable sale #2 and the sales presented by the assessor, particularly the assessor's comparable sale #1, which is almost next door to the subject, support the subject's assessment.

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. The Board has given less weight to the appellant's comparables #1 and #2 due to differences from the subject in age or dwelling size. The Board has also given less weight to the appellant's comparable #3 due to its sale date occurring less proximate in time to the January 1, 2021, assessment date than the comparables submitted by the board of review. The Board has given reduced weight to the sale of the subject property in October 2019, due to the sale occurring 14 months prior to the January 1, 2021 assessment date.

The Board finds the best evidence of market value to be the comparables submitted by the board of review, which sold more proximate in time to the assessment date at issue and are overall more similar to the subject in dwelling size and age. However, the Board finds all four board of review comparables, particularly comparable #1, have considerably smaller site sizes, when compared to the subject, and each comparable dwelling has less finished basement area and a smaller garage size when compared to the subject, suggesting upward adjustments would be required to make these comparables more equivalent to the subject. Additionally, board of review comparables #1 and #3 each have an inground swimming pool, not a feature of the subject, suggesting downward adjustments may be necessary to these comparables. Nevertheless, the comparables sold from June 2020 to June 2021 for prices ranging from \$515,000 to \$575,000 or from \$113.44 to \$146.20 per square foot of living area, including land. The subject's assessment reflects a market value of \$576,752 or \$136.87 per square foot of living area, including land, which falls somewhat above the range established by the best comparables in the record in terms of overall market value but within the range on a price per square foot basis. The subject's higher overall market value appears to be justified given its superior site size, additional basement finish and larger garage size. Based on this record, and after considering adjustments to the best comparables for differences from the subject, the Board finds no reduction in the subject's estimated market value as reflected by its assessment 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:

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

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