



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

APPELLANT: George & Evette Grove
DOCKET NO.: 21-06691.001-R-1
PARCEL NO.: 11-35-477-044

The parties of record before the Property Tax Appeal Board are George & Evette Grove, the appellants, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$4,136
IMPR.: \$32,929
TOTAL: \$37,065

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 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 one-story dwelling of vinyl siding exterior construction with 1,470 square feet of living area.¹ The dwelling was constructed in 1900. Features of the home include a partial basement, central air conditioning, one full bathroom and a three-car garage. The property has an approximately 6,534 square foot site and is located in Marengo, Marengo Township, McHenry County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased on May 27, 2020 for a price of \$45,000. The appellants' counsel reported that the subject property was purchased from the

¹ The subject's description was derived from the subject's property record card and the Multiple Listing Service (MLS) sheet indicating the subject property was listed as a rental on January 13, 2021, which were provided by the board of review, as the appellants did not complete Section-III – Description of Property of the appeal petition.

owner of record, the parties to the transaction were not related and the property was advertised for sale using a realtor. The appellants submitted a copy of the Multiple Listing Service (MLS) sheet disclosing the property was sold as a Bank REO (real estate owned) after having been advertised for 133 days. The listing sheet revealed the subject was originally listed for sale on December 26, 2019 for \$78,000 and included remarks stating, "Attention all investors and savvy homeowners!!! Fantastic opportunity to own this charming 3-bed, 1-bath ranch home located in the heart of Marengo! The home is situated on a large lot and includes a 3 car garage. Sold as-is/where-is." A copy of the Settlement Statement reflects the purchase price, date of sale and disclosed the seller was Chimera REO 2018-NR1, LLC and that commissions were paid to two realty agencies. The appellants also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale, which did not have any filed stamp dates on the document.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$37,065. The subject's assessment reflects a market value of \$111,273 or \$75.70 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 response to the appeal, the board of review indicated in the notes on appeal that the subject was purchased in May of 2020 in distressed condition and has been completely renovated with hardwood floors throughout, new white cabinets, granite countertops and appliances. All plumbing is new throughout the home as noted in the MLS sheet provided by the board of review, depicting the subject was listed as a rental property on January 13, 2021. The listing sheet indicated the home was rehabbed in 2020 with updates from floor-to-ceiling and was available to rent as of January 13, 2021 and was subsequently rented on April 10, 2021 for \$1,500 per month. The assessor contends the subject home has been extensively renovated prior to the January 1, 2021 lien date.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located in Marengo. The comparables are improved with one story dwellings of frame exterior construction ranging in size from 1,340 to 1,528 square feet of living area. The dwellings were constructed from 1952 to 1962. Comparable #3 has a basement and two comparables each have a crawl space foundation. Comparable #2 has a fireplace and each comparable has either an attached or a detached garage ranging in size from 352 to 576 square feet of building area. The comparables sold from October 2020 to January 2021 for prices ranging from \$150,000 to \$195,000 or from \$104.71 to \$138.89 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant noted that the board of review did not dispute that the appellants' appeal is based on its recent sale and that the board of review's comparable sales evidence should not be considered by the Board.

As to the improvements to the subject property after purchase, counsel argued that in accordance with Section 10-20 of the Property Tax Code (35 ILCS 200/10-20)² maintenance and repairs to a structure shall not increase the assessed valuation unless the change increases the square footage. Since no square footage was added, counsel argues the improvements should not add value to the property as it was merely repairs and maintenance.

As to the three comparables presented by the board of review, counsel for the appellants argued that the properties are not comparable to the subject due to their locations being from almost 1 mile to almost 1.5 miles away from the subject, the dwellings are 52 to 62 years newer in age, each comparable has a garage and comparable #3 has a basement. Counsel requested a reduction in the subject's assessment to reflect the purchase price.

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 have not met this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter regarding the contention that the subject property was rehabilitated after the purchase, the appellants' rebuttal did not specifically address the amount expended in renovations and/or what renovations were performed. In this regard, the appellants just generally denied that any value was added because no dwelling size was added. The rebuttal, however, did not address any specifics to allow a determination whether the changes were merely maintenance and repairs as opposed to increasing the value of the property. Moreover, the appellants failed to refute the contention that the subject dwelling was remodeled.

The Board finds the evidence disclosed that the appellants purchased the subject property on May 27, 2020 for a price of \$45,000 from Chimera REO 2018-NR1, LLC. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants partially completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by the owner of record and the property had been advertised on the open market. In further support of the transaction the appellants submitted a copy of the settlement statement and the MLS sheet associated with the purchase of the subject property. The Board finds, however, the fact the property was REO (real estate

² "Repairs and maintenance of residential property. Maintenance and repairs to residential property owned and used exclusively for a residential purpose shall not increase the assessed valuation of the property. For purposes of this Section, work shall be deemed repair and maintenance when it (1) does not increase the square footage of improvements and does not materially alter the existing character and condition of the structure but is limited to work performed to prolong the life of the existing improvements or to keep the existing improvements in a well maintained condition; and (2) employs materials, such as those used for roofing or siding, whose value is not greater than the replacement value of the materials being replaced. Maintenance and repairs, as those terms are used in this Section, to property that enhance the overall exterior and interior appearance and quality of a residence by restoring it from a state of disrepair to a standard state of repair do not "materially alter the existing character and condition" of the residence."

owned) by Chimera REO 2018-NR1, LLC and was extensively renovated after the sale and prior to the assessment date at issue calls into question whether the purchase price is reflective of fair cash value. The Board further finds that the appellants' attorney failed to disclose in the original appeal petition and in the rebuttal what repairs or renovations were performed to the subject and the cost of such repairs. Thus, the Board has given little weight to the subject's purchase price in determining its correct assessment.

The board of review presented three suggested comparable sales for the Board's consideration. The Board finds these three comparables are all located in Marengo, like the subject and are similar to the subject in dwelling size, design and some features. However, the Board finds all three comparables are considerably newer in age when compared to the subject, suggesting downward adjustments would be required to make the comparables more equivalent to the subject. Nevertheless, the comparables sold from October 2020 to January 2021 for prices ranging from \$150,000 to \$195,000 or from \$104.71 to \$138.89. After considering adjustments to the comparables for differences when compared to the subject, the Board finds these sales demonstrate the subject's purchase price of \$45,000 or \$30.61 per square foot of living area, land included, is not representative of fair cash value. The subject's assessment reflects a market value of \$111,273 or \$75.70 per square foot of living area, including land, which falls well below the range established by the comparable sales in the record but appears to be justified given its older dwelling age. Therefore, based on this record the Board finds no reduction in the subject's assessment is 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: February 20, 2024



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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