



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

APPELLANT: CTLTC 8002384335 C/O Yberio Gumecindo
DOCKET NO.: 22-03087.001-R-1
PARCEL NO.: 12-24-227-008

The parties of record before the Property Tax Appeal Board are CTLTC 8002384335 C/O Yberio Gumecindo, the appellant, by attorney James G. Militello III of Prime Law Group, LLC in Woodstock, 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: \$23,326
IMPR.: \$34,588
TOTAL: \$57,914

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 2022 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 is improved with a raised ranch style dwelling of frame construction with 920 square feet of ground floor living area. The dwelling was built in 1973. Features of the home include a lower level that is partially finished, a fireplace, two bathrooms, and an attached two-car garage with 460 square feet of building area. The property has a 53,441 square foot site located in Woodstock, Seneca Township, McHenry County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on October 6, 2020, for a price of \$160,000. The appellant disclosed on the appeal that the property is an owner-occupied dwelling. The appellant also completed Section IV – Recent Sale Data of the appeal identifying the seller as the Heirs of Evelyn Polecastro and further indicated the parties were not related. The appellant further indicated that the property was sold through a realtor and had been

advertised for sale in the Multiple Listing Service (MLS) for 466 days. As documentation the appellant submitted a copy of the settlement statement dated October 6, 2020, disclosing a purchase price of \$160,000 and the payment of a real estate commission.

The appellant's counsel provided a statement asserting that the homeowner was unaware that he could appeal the assessment based on the purchase price and had he done so the 2021 assessment would have been reduced to \$53,328. The appellant's counsel argued that the 2021 assessment of \$53,328 be increased by the 2022 equalization factor of for Seneca Township of 8.6% to arrive at a total assessment of \$57,914 for the 2022 tax year. 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 \$61,421. The subject's assessment reflects a market value of \$184,392 or \$200.43 per square foot of above ground living area, land included, when using the 2022 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 also disclosed that 2019 was the first year of the general assessment period and that a township equalization factor of 1.0860 was applied in tax year 2022.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with a ranch style dwelling, a raised ranch style dwelling and a split-level style dwelling of frame or brick and frame construction ranging in size from 874 to 1,488 square feet of above ground living area. The homes were built from 1959 to 1976. Each property has a basement or lower level with finished area, two comparables have central air conditioning, two comparables have one fireplace, and each comparable has a garage ranging in size from 550 to 720 square feet of building area. The comparables have two or three bathrooms. These properties have sites ranging in size from 48,307 to 164,739 square feet of land area. The comparables are located in Woodstock with comparables #1 and #2 being in the same neighborhood as the subject and comparable #3 being located in an unincorporated area approximately 1.1 miles from the subject property. The board of review provided a copy of an aerial photograph depicting the location of the subject property and the comparables. The board of review submitted copies of the MLS listing sheets for comparables #1 and #2. The listing disclosed that comparable #1 has a 1,500 square foot pole barn. Comparable #2 is described as being completely renovated with other structures that include a kennel/dog run, a poultry coop, and shed(s). The comparables sold in January 2022 or March 2022 for prices ranging from \$280,000 to \$292,500 or from \$188.17 to \$334.67 per square foot of above ground living area, land included.

The board of review provided a written statement indicating that it believed the subject property was in below average condition. The board of review explained it had provided two sales located in the subject's subdivision that sold for prices of \$280,000 and \$292,500, respectively, amounts significantly above the market value reflected by the subject's assessment. The board of review also asserted that comparable #3 transferred using an Executor's Deed and was in a similar condition as the subject property. The board of review contends the subject sold in October 2020, approximately one year and three months prior to the assessment date, and the McHenry County market, as evidenced by the comparable sales, has seen significant increases in values over this period.

The board of review also submitted a copy of the subject's property record card and a copy of the subject's MLS listing describing the home as "move in ready" but was being sold "AS IS."

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

The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with a sign in the Multiple Listing Service, and the property had been on the market for a total of 466 days. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price of \$160,000 is below the market value reflected by the subject's assessment of \$184,392, however, the sale occurred in October 2020, approximately 15 months prior to the assessment date at issue. Nevertheless, the Board finds the sale of the subject property is probative in establishing the subject's assessment for the 2022 tax year.

The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value as of the sale date but did contend that the McHenry County market had seen significant increases since the subject's purchase. The board of review provided three sales to support its contention of the correct assessment. The Board gives less weight to board of review comparable #3 due to differences from the subject in location and land area. Board of review comparable #1 is located in the subject's subdivision but differs from the subject in style and is larger than the subject dwelling. Additionally, this property has central air conditioning and a 1,500 square foot pole barn, features the subject does not have, indicating that downward adjustments to this comparable would be appropriate to make the property more equivalent to the subject. Comparable #1 sold for a price of \$280,000 or \$188.17 per square foot of living area, including land, which is above the overall market value reflected by the subject's assessment but is below the subject's market value on a per square foot of living area basis. Comparable #2 is also located in the subject's subdivision and is most similar to the subject in style and size, however, this property was described as being completely renovated, indicating the home is superior to the subject in condition. Additionally, this comparable has central air conditioning as well as additional structures that include a kennel/dog run, a poultry coop, and shed(s), amenities the subject does not have. This comparable would require downward adjustments for condition, central air conditioning, and additional structures to make it more equivalent to the subject property. This property sold for a price of \$292,500 or \$334.67 per square foot of living area, which is significantly above the market value reflected by the subject's assessment.

Based on this record, after considering both the sale of the subject and the two best sales presented by the board of review as well as the adjustments to make these properties more equal to the subject, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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 21, 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

AGENCY

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COUNTY

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