



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

APPELLANT: HAUSCH PROP LLC
DOCKET NO.: 23-03957.001-R-1
PARCEL NO.: 19-06-301-017

The parties of record before the Property Tax Appeal Board are HAUSCH PROP LLC, the appellant, by attorney Brian P. Liston, of the Law Offices of Liston & Tsantilis, P.C. in Chicago; 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: \$83,539
IMPR.: \$73,008
TOTAL: \$156,547

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 2023 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 frame exterior construction with 1,872 square feet of living area. The dwelling was constructed in 1928 and is approximately 95 years old. Features of the home include a concrete slab foundation, at least one fireplace and a 336 square foot garage. The property has a 9,010 square foot waterfront site and is located in Lakewood, Algonquin Township, McHenry County.¹

The appellant contends both assessment inequity with respect to the subject's improvement and overvaluation as the bases of the appeal. In support of the assessment inequity argument, the appellant submitted information on three comparables that are located within the same neighborhood and County Club addition as the subject. The comparables are improved with

¹ The board of review disclosed the subject is a waterfront property which is located on the South Shore of Crystal Lake and was not refuted by the appellant in written rebuttal.

1.5-story dwellings of frame exterior construction ranging in size from 1,988 to 2,208 square feet of living area. The homes are from 72 to 85 years old and have basements, two of which have finished area. Each comparable has central air conditioning, at least one fireplace and either a 400 or 440 square foot garage. The comparables have improvement assessments ranging from \$81,564 to \$86,407 or from \$38.86 to \$41.03 per square foot of living area.

In support of the overvaluation argument, the appellant's evidence disclosed the subject property was purchased on November 18, 2020 for a price of \$365,000. The appellant completed Section IV – Recent Sale Data of the appeal petition disclosing the sale was not between related parties, the property was sold by a realtor with Better Homes and Gardens Real Estate Star Homes, was advertised for sale via a multiple listing service, and the sale was not due to a foreclosure action or using a contract for deed. To document the sale, the appellant provided a copy of the real estate contract, warranty deed, and master statement further disclosing commissions were paid to two entities.

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$121,654 based on its purchase price, and a reduced improvement assessment of \$38,115 or \$20.36 per square foot of living area.

The board of review submitted a partially completed "Board of Review Notes on Appeal" disclosing the subject has a total assessment of \$167,257. The subject's assessment reflects a market value of \$501,821 or \$268.07 per square foot of living area, land included, when applying the statutory level of assessment of 33.33%.² The subject has an improvement assessment of \$83,718 or \$44.72 per square foot of living area.

The board of review provided a one-page document asserting the subject is a waterfront property on the South Shore of Crystal Lake and that the south and eastern shores of the lake are considered premium areas but there did not appear to be any sales in these areas. In addition, the board of review asserted none of the appellant's sales were waterfront properties. The board of review further indicated there were five sales comparables and five equity comparables of waterfront properties; however, except for sale prices and assessment data the board of review did not include any descriptive property characteristics of these comparables. Based on this limited evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends, in part, assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject

² Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the drafting of this decision, the Department of Revenue has yet to publish figures for tax year 2023.

property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter, the Board finds the board of review did not fully provide all the pages to the “Board of Review - Notes on Appeal” petition and failed to provide a grid analysis of the comparables cited in their documentation. Therefore, the Board gives no weight to the assessment and sales data of the assessor’s comparables since the record lacks the necessary salient property characteristics of these properties for the Board to conduct a meaningful comparative analysis to determine the degree of comparability and possible adjustments of the comparables to make them more equivalent to the subject property.

The record contains three equity comparables provided by the appellant for the Board’s consideration. The Board gives less weight to the appellant’s comparable #1 which is less similar to the subject in age and dwelling size. The Board finds the appellant’s remaining comparables are more similar to the subject in location, design, age and some features, but these two comparables are superior to the subject in several respects, including but not limited to their larger dwelling sizes, basement foundations, basement finish and/or central air condition, unlike the subject that lacks these features. These two comparables have improvement assessments of \$81,564 and \$83,554 or \$38.86 to \$41.03 per square foot of living area. The subject's improvement assessment of \$83,718 or \$44.72 per square foot of living area falls above the two best comparables in the record. Based on this record and after considering adjustments to the two best comparables for differences when compared to the subject, the Board finds the subject’s improvement assessment is excessive and a reduction in the subject's assessment is warranted on the grounds of assessment inequity.

The appellant also contends, in part, 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 based on overvaluation is not warranted.

The Board gives little weight to the appellant’s evidence pertaining to the subject’s sale in November 2020 as it occurred greater than 25 months prior to the January 1, 2023 assessment date at issue. The Board finds based on this limited record and after considering the reduction to the subject’s assessment based on assessment inequity, a further reduction to the subject’s assessment based on the overvaluation argument 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: _____

November 19, 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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