



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

APPELLANT: Nilesh Patel
DOCKET NO.: 23-04145.001-R-1
PARCEL NO.: 10-17-128-005

The parties of record before the Property Tax Appeal Board are Nilesh Patel, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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: \$36,487
IMPR.: \$87,834
TOTAL: \$124,321

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 2-story dwelling of frame exterior construction with 2,160 square feet of living area. The dwelling was constructed in 1925 and is approximately 98 years old. Features of the home include a crawl space foundation, central air conditioning, and a 3-car garage. The property has a 14,810 square foot site and is located in Johnsburg, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$373,000 as of October 14, 2023.¹ The appraisal was prepared by Gary Nusinow, a certified general real estate appraiser, for ad valorem tax purposes.

¹ The Board notes the cover sheet to the appraisal states a valuation date of January 1, 2023 but a valuation date of October 14, 2023 is stated within the appraisal report.

Under the sales comparison approach, the appraiser selected five comparable sales located from 0.81 of a mile to 1.70 miles from the subject. The parcels range in size from 7,920 to 20,038 square feet of land area. The comparables are reported to be riverfront or lakefront properties like the subject. The comparables are improved with 2-story, Cape Code, part 1-story part 2-story, or A-Frame homes of frame exterior construction ranging in size from 1,836 to 2,568 square feet of living area. The dwellings range in age from 55 to 108 years old. Each home has a crawl space foundation and a 2-car or a 3-car garage. Four comparables have central air conditioning and three homes have a fireplace. Comparable #1 has a 2-boat dock with power lifts. The comparables sold from January to December 2021 for prices ranging from \$333,000 to \$380,000 or from \$146.03 to \$194.67 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject to arrive at adjusted prices from \$347,300 to \$392,500. The appraiser concluded a value for the subject of \$373,000 as of October 14, 2023.

Based on this evidence the appellant requested a reduction in the subject's assessment to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$146,219. The subject's assessment reflects a market value of \$438,700 or \$203.10 per square foot of living area, land included, when using the statutory level of assessment of 33.33% as determined by the Illinois Department of Revenue.²

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located from 3.26 to 3.46 miles from the subject. The parcels range in size from 13,524 to 46,024 square feet of land area are reported to be riverfront properties. The comparables are improved with 1.5-story or 2-story homes of frame or frame/block/vinyl exterior construction ranging in size from 2,111 to 2,293 square feet of living area. The dwellings range in age from 69 to 120 years old. Each home has a basement, central air conditioning, a fireplace, and a garage ranging in size from 630 to 980 square feet of building area. The comparables sold in May and July 2022 for prices ranging from \$400,000 to \$565,000 or from \$189.48 to \$246.40 per square foot of living area, including land.

The board of review submitted a brief contending the appraisal sales occurred less proximate in time to the assessment date and presented charts depicting overall rising prices from January 2021 to January 2024. Based on this evidence the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued the board of review presented unadjusted raw sales data for properties that differ from the subject in age, fireplace amenity, garage size, foundation type, and/or location.

² Section 1910.50(c)(1) of the Board's procedural rules 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. Adm. Code § 1910.50(c)(1). As of the development of this Final Administrative Decision, the Department of Revenue has not published figures for tax year 2023.

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.Adm.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.Adm.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 presented an appraisal and the board of review presented three comparable sales for the Board's consideration. The Board finds the best evidence of market value to be the appraisal submitted by the appellant, which is based on sales of similar properties that are located more proximate to the subject than the board of review's comparables. The subject's assessment reflects a market value of \$438,700 or \$203.10 per square foot of living area, including land, which is above the appraised value conclusion. The Board finds the subject property had a market value of \$373,000 as of the assessment date at issue. Based on this evidence, the Board finds a 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: January 21, 2025



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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