



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

APPELLANT: Jo Lydecker  
DOCKET NO.: 23-04161.001-R-1  
PARCEL NO.: 18-32-351-006

The parties of record before the Property Tax Appeal Board are Jo Lydecker, 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 **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:** \$10,460  
**IMPR.:** \$147,858  
**TOTAL:** \$158,318

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-story ranch style dwelling of frame and brick exterior construction with 2,650 square feet of living area.<sup>1</sup> The dwelling was constructed in 2001 and is approximately 22 years old and has a reported effective age of 10 years old.<sup>2</sup> Features of the home include a full basement with finished area, central air conditioning, a fireplace, and a 3-car garage with 684 square feet of building area. The property has an 11,838 square foot site and is

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<sup>1</sup> The parties slightly differ as to the subject's dwelling size. The Board finds the best evidence of the subject's dwelling size was found in the appellant's appraisal which contained a more detailed sketch with dimension and area calculations.

<sup>2</sup> In the appellant's appraisal, the appraiser reported the subject dwelling has an effective age of 10 years old and a full basement with finished area.

located within the Sun City Del Webb subdivision in Huntley, Grafton Township, McHenry County.<sup>3</sup>

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 \$450,000 as of January 1, 2023. The appraisal was prepared by Robert Merel, a Certified Residential Real Estate Appraiser. The intended use of the appraisal is to develop an opinion of market value for the subject for a tax appeal.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting three comparable sales located from 0.14 to 0.58 of a mile from the subject. The comparables have sites ranging in size from 5,615 to 8,136 square feet of land area and are improved with ranch style dwellings of vinyl siding, vinyl siding and brick or vinyl siding and stone exterior construction ranging in size from 1,920 to 2,425 square feet of living area. The homes range in age from 20 to 23 years old. Each comparable has a full or partial basement with finished area, central air conditioning, one or two fireplaces and a 2-car garage. Each comparable has been assigned a condition rating and updates classified as "AVG+" like the subject. The comparables sold from April to November 2022 for prices ranging from \$380,000 to \$440,000 or from \$181.44 to \$207.85 per square foot of living area, land included.

The appraiser adjusted the comparables for differences with the subject in bathroom count, dwelling size, fireplace count, garage capacity and/or updates arriving at adjusted sale prices of the comparables ranging from \$428,000 to \$465,000 and an opinion of market value for the subject of \$450,000 as of January 1, 2023 based on a reported actual inspection date of November 16, 2023.

Additionally, the appellant's counsel submitted a brief summarizing the appraisal and its value conclusion along with an analysis of projected annual real estate tax increases based on the subject's assessment. Appellant's counsel asserted the three appraisal sales were chosen for their similar location in the Del Webb community based upon amenities to parks, tennis courts, pond and lake, pool, golf, clubhouse, pickle ball courts and described the adjustments made to each comparable. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value conclusion. Based on this evidence, the appellant requested a reduction in the subject property's total assessment to \$149,985, which reflects the subject's appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$158,318. The subject's assessment reflects a market value of \$475,000 or \$179.25 per square foot of living area, land included, based on 2,650 square feet of living area, when applying the statutory level of assessment of 33.33%.<sup>4</sup>

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<sup>3</sup> The Board finds the best description of the subject's site size was reported in the subject's property record card provided by board of review which was not refuted by the appellant in rebuttal.

<sup>4</sup> 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 not published table 3 with the figures for tax year 2023.

In support of its contention of the correct assessment the board of review adopted and provided information prepared by the township assessor on five comparable sales located in the Sun City Del Webb subdivision and from 0.25 of a mile to 1.08 miles from the subject property. The comparables have sites ranging in size from 9,315 to 12,544 square feet of land area and are improved with 1-story dwellings of frame exterior construction ranging in size from 2,149 to 2,664 square feet of living area. The homes are from 19 to 24. Two comparables have concrete slab foundations, and three comparables have partial unfinished basements. Each comparable has central air conditioning and a garage ranging in size from 418 to 684 square feet of building area. Three comparable have either one or two fireplaces. The board of review disclosed the subject property sold in May 2018 for a price of \$400,000 or \$150.15 per square foot of living area, land included. The comparables sold from May 2022 to June 2023 for prices ranging from \$475,000 to \$595,000 or from \$195.20 to \$257.80 per square foot of living area, land included.

The township assessor provided a memorandum with additional comment's critiquing the smaller dwelling sizes of appraisal sales #1 and #2 and noted that appraisal sale #3 with its inferior amenities sold for "\$181.44/sf" which is "not too far off" from the subject's "\$184.58/sf" and the board of review reduced the subject's 2023 assessment to \$178.30 price per square foot market value. Conversely, the assessor compared the features of the assessor's comparables to the subject in location, style, dwelling size, foundation type, basement style and area.

In written rebuttal, the appellant's counsel submitted a 7-page brief, along with MLS printouts of highlighted features for the board of review's comparables. The appellant's counsel argued that the appraiser completed a detailed interior and exterior inspection of the subject property and adjusted comparable sales in accordance with the Uniform Standards of Professional Appraisal Practice in arriving at the final opinion of value for the subject property. In contrast, the appellant further argued the board of review submitted unadjusted raw sales and the board of review did not provide adequate descriptions of their sales based on the MLS printouts that "are superior to the subject in terms of condition, finishes and amenities."

### **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 appellant submitted an appraisal and the board of review submitted five comparable sales. All of the comparables provided in the appraisal and board of review comparables are located within the Del Webb community, the same as the subject, and sold proximate in time to the January 1, 2023 lien date at issue. The Board gives less weight to the value conclusion in the appraisal as the parties differ regarding the subject's site size, which was not refuted in the appellant's rebuttal, and the appraiser did not adjust any of the comparables for smaller site sizes relative to the subject property. In addition, the board of review comparables are also more similar to the subject in both site size and dwelling size than the appraisal sales #1 and #2. For

these reasons, the Board finds the appraisal states a less credible and reliable opinion of value for the subject property. Therefore, Board has given less weight to the appraisal sales #1 and #2 and the board of review sales #2, #3 and #4 which are less similar to the subject in dwelling size. Moreover, the board of review sale #3 is located more than a mile from the subject property.

The Board finds the best evidence of market value to be the appraisal sale #3 and board of review sale #1 which are more similar to the subject in location, dwelling size, age, and some features, but still require upward adjustments for their inferior features. Furthermore, the board of review sale #1 is located within 0.10 of a mile of the subject and is practically identical to the subject in property characteristics, except it requires adjustments for its smaller site size and lack of a basement to make it more equivalent to the subject. These two properties sold in August and December 2022 for prices of \$440,000 and \$520,000 or for \$181.44 and \$195.20 per square foot of living area, including land, respectively. The subject's estimated market value of \$475,000 or \$179.25 per square foot of living area, including land, is bracketed by the two best comparable sales in the record on an overall basis but below on a price per-square-foot basis. After considering appropriate adjustments to the comparables for differences with the subject, the Board finds a reduction in the subject's assessment 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

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