



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

APPELLANT: Michal & Magdalena Czarnik  
DOCKET NO.: 23-04199.001-R-1  
PARCEL NO.: 18-22-452-032

The parties of record before the Property Tax Appeal Board are Michal & Magdalena Czarnik, the appellants, 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:** \$5,021  
**IMPR.:** \$61,485  
**TOTAL:** \$66,506

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 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, Butterfield model, townhome of vinyl exterior construction with 1,507 square feet of living area.<sup>1</sup> The dwelling was constructed in 2000 and is approximately 23 years old. Features of the home include a concrete slab foundation, central air conditioning, 2½ bathrooms, one fireplace, and a 427 square foot garage. The property has 1,999 square foot site and is located within the Southwind subdivision of Huntley, Grafton Township, McHenry County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants completed Section IV – Recent Sale Data of the Residential Appeal petition disclosing the subject property was purchased on December 17, 2021 for a price of \$175,000 from the seller,

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<sup>1</sup> Some of the subject's property characteristics was drawn from the board of review's evidence which included a property record card and schematic diagram of the subject property.

Sergey Dyadushenko. The appellants indicated the sale was not between related parties, the property was sold through Danuta Wojciech, an agent with RE/MAX Premier, the property was advertised in a multiple listing for 3 days, and the sale was not due to foreclosure action.<sup>2</sup> As documentary support for the sale, the appellants provided as “Exhibit A” a printout of the master statement disclosing commissions were paid to RE/MAX Premier and Homesmart Connect LLC and as “Exhibit B” a printout of the subject’s assessment and sales history information from the Grafton Township website with highlighted text indicating the property sold on “01-10-2022” for a \$175,000 sale price in an arms-length type sale.

In a legal brief, the appellants’ counsel asserted the appellants purchased the subject property in an arm’s length transaction for \$175,000 on December 17, 2021 that occurred within about 1-year (13 months) of the January 1, 2023 assessment date. In addition, the attorney referenced facts within the appellants’ Exhibits A and B and Illinois case law, along with an assessment analysis of the subject’s projected tax bill, asserting the best indication of the subject’s value for the 2023 tax year was the arm’s-length transaction. Based on the evidence, the appellants requested the subject’s assessment be reduced to reflect its purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$71,967. The subject's total assessment reflects a market value of \$215,923 or \$143.28 per square foot of living area, including land, when using the 2023 three-year average median level of assessment for McHenry County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appellants’ appeal, the board of review provided a copy of the subject’s MLS listing and disclosed that the subject had sold pursuant to a short sale with “recent water damage so please only cash or conventional financing. As-is...” The board of review asserted that after repairs, the property was listed as rental. The board of review contends the transaction was not a valid sale and requested confirmation of the subject’s 2023 assessed value. The MLS listing further disclosed the subject was listed on 03/05/2021 for a list price of \$145,000, had a contract date of 03/07/2021, and closed on 12/17/2021 for a sales price of \$175,000.

The board of review also submitted a copy of the subject’s property record card disclosing the property sold on 1/10/2022 for a price of \$175,000 and describing the sale type as “Arms Length.”

In support of its contention of the correct assessment, the board of review together with documentation from the Grafton Township Assessor’s Office, submitted information on three comparables sales that are located in the subject’s Southwind subdivision and are approximately 0.07 to 0.11 of a mile from the subject property. The properties have from 1,999 to 2,442 square feet of land area that are improved with 2-story, Butterfield or Carlyle model, townhomes of vinyl exterior construction containing 1,507 or 1,607 square feet of living area. The comparables were built in 2000 or 2002 and are approximately 22 or 24 years old. Each comparable has 2.5 bathrooms, central air conditioning, one fireplace, and either a 427 or a 456 square foot garage. The comparables sold in April or June 2023 for prices ranging from \$245,000 to \$265,000 or

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<sup>2</sup> The appellants incorrectly indicated in Section III of the Residential Appeal petition that the property sold using a “contract for deed.”

from \$162.57 to \$172.53 per square foot of living area, including land. In addition, the board of review disclosed the comparables have total assessments ranging from \$66,088 to \$69,310. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In a 4-page written rebuttal, the appellants' counsel critiqued the board of review's submission highlighting the superior amenities of the board of review's comparables and asserting "The recent arms-length purchase price of the subject reflects the age, condition and lack of upgrade of the subject." The appellants' counsel also asserted the board of review did not conduct an interior inspection or refute the sale of the subject property and the unadjusted raw sales provided by the board of review should be given little weight because the comparables lacked the adjustments and sufficient analysis or USPAP guidelines of an appraisal. The appellants requested a reduction in the subject's assessed valuation to \$58,328 to reflect the subject's purchase price of \$175,000 on December 17, 2021, or as an alternative an assessment not to exceed an equitable assessment established by the board of review's comparables of \$66,100.

### **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 proven 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 a reduction in the subject's assessment is warranted.

The appellants submitted evidence of the December 2021 sale of the subject property and the board of review presented three sales comparables in support of their respective positions before the Property Tax Appeal Board.

In addressing the appellants' market value argument, the Board finds the board of review disclosed the sale of the subject property in December 2021 for a price of \$175,000 was a "compulsory sale." A "compulsory sale" is defined as:

- (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Property Tax code (35 ILCS 200/16-183) allows the Property Tax Appeal Board to consider compulsory sales of comparable properties for the purposes of revising and correcting assessments. The Board finds that the sale of the subject in December 2021 for a price of \$175,000 is a compulsory sale, in the form of a short sale, as indicated on the MLS listing provided by the board of review. The MLS listing disclosed the subject was listed on the market for sale on 03/05/2021 pursuant to a short sale, the property had recent water damage, the listing stipulated cash only or conventional financing, and was taken off the market on 03/07/2021 contract date with a closed date of 12/17/2021. Additionally, the board of review

disclosed after the sale the subject had been repaired and listed as a rental, which was not refuted by the appellants. For these reasons, the Board has given less weight to the sale of the subject property which sold in “as-is” condition in December 2021, approximately 13 months prior to the lien date in question, and was later listed for rent after repairs, and thus does not accurately reflect the market as of January 1, 2023 lien date. Furthermore, the appellants did not refute or provide any photographs of the townhome’s interior to refute the board of review’s evidence.

In looking at the comparable sales provided by the board of review, the Board gives less weight to the sale #3 as its dwelling is less similar to the subject in dwelling size and garage size. The Board finds the best evidence of the subject’s market value in the record to be the board of review sales #1 and #2. These comparables sold more proximate in time to the subject’s January 1, 2023 lien date, are located within 0.11 of a mile from the subject property and are identical to the subject property in almost all property characteristics, except for the larger lot size of comparable #2. These two comparables sold in April 2023 for prices of \$245,000 and \$260,000 or \$162.57 and \$172.53 per square foot of living area, including land, respectively. The subject’s assessment reflects a market value of \$215,923 or \$143.28 per square foot of living area, including land, which falls below the sales prices of the two best comparables in this record demonstrating the subject is not overvalued.

The Board further finds the board of review provided the total assessments for its comparables of \$66,506, \$66,088, and \$69,310, respectively. The subject has a total assessment of \$71,967, which is above each of the comparables provided by the board of review even though the subject is similar to these properties in most respects. Section 1910.50(c) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(c)) provides in part that: “The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.” Based on this record, considering the subject has a higher assessment than the board of review comparables despite their similar features and fair cash value, the Board finds a reduction in the subject’s assessment is warranted based upon uniformity or assessment equity.

Based on this record, 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: \_\_\_\_\_

May 20, 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

AGENCY

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Michal & Magdalena Czarnik, by attorney:  
Scott Shudnow  
Shudnow & Shudnow, Ltd.  
77 West Washington Street  
Suite 1620  
Chicago, IL 60602

COUNTY

McHenry County Board of Review  
McHenry County Government Center  
2200 N. Seminary Ave.  
Woodstock, IL 60098