



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

APPELLANT: Jeffrey & Julie Hilke
DOCKET NO.: 06-01897.001-R-1
PARCEL NO.: 18-36-401-005

The parties of record before the Property Tax Appeal Board are Jeffrey & Julie Hilke, the appellant(s), by attorney Curt P. Rehberg, of Curt P. Rehberg and Associates, P.C. of Crystal Lake; and the McHenry County Board of Review.

Based on the facts and exhibits presented, 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: \$26,253
IMPR: \$184,696
TOTAL: \$210,949

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a three year-old, two-story style brick and frame dwelling that contains 4,748 square feet of living area. Features of the home include central air conditioning, a fireplace, a 1,292 square foot garage and a full unfinished basement.

Through counsel, the appellants submitted evidence to the Property Tax Appeal Board claiming unequal treatment in the assessment process regarding the subject's improvements as the basis of the appeal. The appellants did not contest the subject's land assessment. In support of the improvement inequity argument, the appellants submitted photographs and a grid analysis of three comparables located in the subject's subdivision. The comparables consist of two-story style brick and frame dwellings that range in age from 1 to 4 years and range in size from 3,440 to 3,707 square feet of living area. Features of the comparables include central air conditioning, a fireplace,

garages that contains from 661 to 783 square feet of building area and full unfinished basements. These properties have improvement assessments ranging from \$118,819 to \$126,811 or from \$33.60 to \$35.06 per square foot of living area. The subject has an improvement assessment of \$184,696 or \$38.90 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal", wherein the subject property's total assessment of \$210,949 was disclosed. In support of the subject's improvement assessment, the board of review submitted a letter prepared by the township assessor, property record cards and a grid analysis of three comparable properties located in the subject's subdivision. The comparables consist of two-story or part 1.5-story and part two-story frame and masonry dwellings that range in age from one to three years and range in size from 4,023 to 4,581 square feet of living area. Features of the comparables include central air conditioning, two or three fireplaces, garages that contain from 741 to 1,959 square feet of building area and full or partial unfinished basements. These properties have improvement assessments ranging from \$144,889 to \$194,642 or from \$35.73 to \$43.27 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. The appellants' argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not overcome this burden.

The Board finds the parties submitted six comparables for its consideration. The Board gave less weight to the appellants' comparables because they were over 1,000 square feet smaller in living area when compared to the subject. The board of review's comparables were similar to the subject in terms of style, exterior construction, size, age, location and features and had improvement assessments ranging from \$35.73 to \$43.27 per square foot of living area. The subject's improvement assessment of \$38.90 per square foot of living area falls within this range. Therefore, the Board finds the evidence in the record supports the subject's assessment.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

In conclusion, the Board finds the appellants have failed to prove unequal treatment in the assessment process by clear and convincing evidence and the subject's assessment as determined by the board of review is correct and no reduction is warranted.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

Member

DISSENTING: _____

C E R T I F I C A T I O N

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: October 28, 2009

Allen Castrovillari

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 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 the subsequent year 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.

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.