



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

APPELLANT: Jared & Lisa Trewyn  
DOCKET NO.: 07-04391.001-R-1  
PARCEL NO.: 12-02-200-008

The parties of record before the Property Tax Appeal Board are Jared & Lisa Trewyn, the appellants, 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: \$ 38,675**  
**IMPR: \$135,433**  
**TOTAL: \$174,108**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject parcel of 5-acres has been improved with two one-story buildings. The primary structure is a one-story single-family dwelling of frame exterior construction that contains 2,579 square feet of living area. The dwelling is 39 years old and features a partial, finished basement, central air conditioning, two fireplaces, and a two-car attached garage of 506 square feet of building area. The secondary structure which is both heated and cooled contains 1,354 square feet of living area and also features a kitchenette and bathroom which were remodeled in June 2005 for a cost of \$15,900.<sup>1</sup> There is also a 598 square foot barn.<sup>2</sup> The property is located in Woodstock, Seneca Township, McHenry County.

The appellant Jared Trewyn appeared before the Property Tax Appeal Board on behalf of the appellants. Documentation submitted in support of the appeal contended unequal treatment in the assessment process with regard to both the land and improvement assessments of the subject property. In addition, the appellants contended that a 27% increase in the subject's assessment for 2007 was inappropriate in light of current housing market trends with attached charts and graphs from the Federal

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<sup>1</sup> Appellants reported this data in Section VI of the Residential Appeal form.

<sup>2</sup> Appellants did not disclose this structure in the Residential Appeal form.

Reserve Bank of Chicago and a press release from Standard & Poor's.

At the hearing, appellants sought leave to submit an appraisal of the subject property with a valuation date of December 31, 2007. Section 1910.67(k) of the Official Rules of the Property Tax Appeal Board provides:

In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:

- 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;
- 2) The filing requirements is specifically waived by the Board; or
- 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.

(86 Ill. Admin. Code Sec. 1910.67(k)). Since the "late" submission of evidence is not allowable under the Rules and could be viewed as an unfair surprise, placing the opposing party at a disadvantage, and since there was no opportunity to analyze and/or respond to the appraisal report prior to the date of hearing, the Hearing Officer inquired if the board of review had an objection to the late submission of the appraisal report. The board representative noted that while a valid objection could be made, this representative believes "the more information [on an appeal] the better" and therefore would not object to the submission. Based upon the lack of an objection, the appraisal report was admitted into evidence by the Property Tax Appeal Board. At that time appellant Jared Trewyn also noted the appraiser had a family emergency and would not be present for testimony and cross-examination; the board of review representative still, however, would be able to present testimony contesting the report.

The appraisal prepared by Arthur H. Steuber provides an estimated market value of \$405,000 with the subject deemed to have 3,167 square feet of living area or a market value of \$127.88 per square foot of living area including land; given the subject's actual size of 3,933 square feet of living area, the appraised value would be \$102.97 per square foot of living area including land. The appraiser described the secondary building as a "coach house" with a kitchenette and bathroom (sink, toilet and shower, but the shower was not actively used or enclosed); the subject also has a 598 square foot "barn" and only one fireplace.<sup>3</sup> The appraiser further described the subject's basement as having a recreation room and a bedroom.

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<sup>3</sup> On the Residential Appeal form, appellants reported the subject property to have two fireplaces.

At the hearing, appellant Jared Trewyn testified the secondary building's electric system, septic and water all feed off of the primary residence. He termed the building a "glorified playroom" along with an office/desk which had previously been a dog kennel. The building has not been changed other than to add carpeting and tile along with the repair of some mold.

The appraiser utilized only the sales comparison approach to value and set forth five suggested sales comparables noted as located from .15 to 1.16-miles from the subject property. The comparable parcels ranged in size from .70 to 5.03-acres and were improved with two, one-story dwellings, one, one and one-half story dwelling, and two, two-story dwellings. The comparable dwellings were constructed of frame/cedar, vinyl and masonry, or cedar and masonry and ranged in age from 15 to 87 years old. The comparables ranged in size from 2,224 to 3,500 square feet of living area. Each comparable featured a full basement, four of which were either partially or fully finished; each comparable also had central air conditioning, from one to three fireplaces, and a 2 or 3-car garage. The comparables sold from April 2007 to December 2007 for purchase prices ranging from \$340,000 to \$412,000 or from \$104.29 to \$170.86 per square foot of living area including land. The appraiser made adjustments to the comparable sales for differences in acreage, exterior construction, room count, living area square footage, basement and basement finish, garage size, fireplaces, and differences in other amenities from the subject. Where the appraiser described the subject as having a "coach house, barn" amenity, the adjustments reflect a \$10,000 addition for properties with a "barn" and a \$12,000 addition for properties with no secondary structures. After adjustments, the appraiser concluded adjusted sale prices for the comparables ranging from \$378,675 to \$416,075 or from \$108.19 to \$187.08 per square foot of living area including land. The appraiser then concluded an estimated fair market value of the subject of \$405,000 as of December 31, 2007.

The subject's current total assessment of \$174,108 reflects an estimated fair market value of \$523,633 or \$133.14 per square foot of living area, including land, based on the 2007 three-year median level of assessments for McHenry County of 33.25% as determined by the Illinois Department of Revenue.

In support of the inequity argument, the appellants had previously submitted a grid analysis along with color photographs of three suggested comparable properties. The comparables had parcels ranging from 9.59 to 29.46-acres and each was improved with a one-story frame, masonry, or frame and masonry dwelling that ranged in age from 23 to 47 years old. Features included basements, one of which had 1,284 square feet of finished area, central air conditioning, a fireplace, and garages, one of which was a basement garage. The comparable dwellings ranged in size from 1,930 to 2,985 square feet of living area. These comparable dwellings have improvement assessments ranging from \$86,204 to \$116,568 or from \$39.05 to \$49.57 per square foot of living area. The subject's improvement assessment for both structures which

total 3,933 square feet of living area is \$135,433 or \$34.44 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment to \$112,940 or \$28.72 per square foot of living area.

The subject has a land assessment of \$38,675 or \$7,735 per acre. The comparables were said to have land assessments ranging from \$53,480 to \$145,832 or from \$4,950 to \$5,749 per acre. Based on this evidence, the appellants requested a reduction in the subject's land assessment to \$34,210 or \$6,842 per acre.

The appellants' data also included a letter contending that the assessment of the subject property rose 27% from 2006 when the total assessment was \$138,150 to 2007 when the total assessment after equalization was \$174,108. Appellants argued this increase was not appropriate given a downturn in the "current" market. In support of this downturn in the market, appellants included a number of pages reprinted from the Federal Reserve Bank of Chicago charting home sales prices for over a ten year period, up to and including 2008, in several charts along with a Standard & Poor's press release dated January 29, 2008 concerning declining home prices nationally. Appellants requested that the increase on their assessment be limited to 6% for 2007.

On the basis of the foregoing data, the appellants felt that a total assessment of \$147,150 was appropriate. This requested assessment would reflect an estimated market value for the subject of \$442,556 or \$112.52 per square foot of living area including land.

During cross-examination of the appellants' evidence, the board of review representative noted that the appraiser provided an estimated market value one year after the date of valuation at issue which is January 1, 2007. The board of review further contended that 2007 was the turn-around year where values began to decline around June in the area. Also, it was noted the appraiser did not adjust any of the comparable sales for date of sale from April through December.

The board of review presented its "Board of Review Notes on Appeal" wherein its final assessment of \$174,108 for the subject property was disclosed. In support of the subject's current assessment, the board of review presented a grid analysis of the same three comparable properties presented by the appellants. There are no factual differences in the data presented by the board of review regarding these three properties. As to the matters surrounding the treatment of the subject's secondary building, while there may be a quality factor present, the board of review representative noted that the building is akin simply to additional living space, which if it were part of the primary dwelling, would not have a separate electrical or septic system. Based on its analysis of the equity comparables, the board of review requested confirmation of the subject's assessment as the subject was below the range of the most similar comparables presented on the record.

In written rebuttal, the appellants addressed the documentation presented by the board of review concerning the local board hearing before the McHenry County Board of Review. In accordance with the provisions of the Property Tax Code (35 ILCS 200/16-180), all appeals before the Board shall be considered *de novo*. Also in rebuttal, the appellants presented tax billing data for the subject and three neighboring properties, two of which were not previously presented as comparables in the appellants' evidence.

After hearing the testimony and reviewing the record, 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 no reduction in the subject property's assessment is warranted.

The Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation. (86 Ill. Admin. Code, Sec. 1910.10(f)). Therefore, the rebuttal data from the appellants regarding the tax bill of the subject and neighboring properties is irrelevant to the determination of the Property Tax Appeal Board. As set forth in the Property Tax Code, the Board determines "the correct assessment of property which is the subject of an appeal." (35 ILCS 200/16-180). Moreover, as stated in the Property Tax Code, '[a]ll appeals shall be considered *de novo*.' (35 ILCS 200/16-180). As further stated in the Official Rules of the Property Tax Appeal Board, as a *de novo* proceeding:

. . . the Board will . . . not give any weight or consideration to any prior actions by a local board of review . . . .

(86 Ill. Admin. Code, Sec. 1910.50(a)). Therefore, to the extent that the appellants detailed in rebuttal their responses to statements made in the notes of members of the McHenry County Board of Review which were taken as part of the local hearing and submitted in partial response to this appeal, the Property Tax Appeal Board will not give any weight or consideration to any prior actions by the board of review. The jurisdiction of the Property Tax Appeal Board is limited to a determination of the correct assessment of the subject property based upon equity and the weight of the evidence presented in this matter before the Property Tax Appeal Board.

Initially the appellants attempted to demonstrate the subject's assessment was incorrect because of summary data on single family home sales and falling home prices along with consideration of the percentage increase in the subject's assessment from 2006 to 2007. As to the summary home sales data, the Board finds this type of data is not an accurate measurement or a persuasive indicator to demonstrate overvaluation of the subject property by a preponderance of the evidence. The Board finds summary data on

rising or falling home prices overall does not indicate whether a particular property is overvalued. Rather, one method of considering overvaluation is to analyze recent sales of comparable properties in the subject's neighborhood together with the salient characteristics of those comparables, and then upon examination, a determination can be made whether the subject property has been overvalued.

As to the percentage change in the subject's assessment from one year to the next, the Board also finds this type of analysis is not an accurate measurement or a persuasive indicator to demonstrate assessment inequity by clear and convincing evidence. The Board finds rising or falling assessments from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed. The assessment methodology and actual assessments together with their salient characteristics of properties must be compared and analyzed to determine whether uniformity of assessments exists. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior year's assessments.

Next, the appellants contend unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the assessment data, the Board finds the appellants have not met this burden.

The Board finds the three comparables submitted by the parties were not very similar to the subject dwelling in living area square footage. The subject property with both the primary residence and secondary building has a total living area of 3,933 square feet whereas the suggested comparables ranged from 1,930 to 2,985 square feet of living area. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. Therefore, the Property Tax Appeal Board finds that based upon typical real estate valuation theory, the subject property would be expected to have a lower per square foot living area assessment than the comparables, all other things being equal. The three comparables presented had improvement assessments that ranged from \$39.05 to \$49.57 per square foot of living area. The subject's improvement assessment of \$34.44 per square foot of living area is below the range established by the comparables contained in this record. After considering adjustments to the most similar comparables for differences when compared to the subject, the Board finds the subject's

improvement assessment is supported and no reduction is warranted on grounds of lack of uniformity in assessments.

Next, with the submission of the appraisal at hearing, 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 proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3<sup>rd</sup> Dist. 2002). The Board finds the appellants have not met this burden of proof and a reduction in the subject's assessment is not warranted on grounds of overvaluation.

In the absence of the appraiser for the hearing to address questions as to the selection of the comparables and/or the adjustments made to the comparables in order to arrive at the value conclusion set forth in the appraisal, the Property Tax Appeal Board will consider only the appraisal's raw sales data in its analysis and give no weight to the final value conclusion made by the appraiser. The Board finds the appraisal report is tantamount to hearsay. Illinois courts have held that where hearsay evidence appears in the record, a factual determination based on such evidence and unsupported by other sufficient evidence in the record must be reversed. LaGrange Bank #1713 v. DuPage County Board of Review, 79 Ill. App. 3d 474 (1979); Russell v. License Appeal Comm., 133 Ill. App. 2d 594 (1971). In the absence of an appraiser being available and subject to cross-examination regarding methods used and conclusions drawn, the Board finds that the appraisal conclusion of an estimated market value of the subject as of December 31, 2007 of \$405,000 has been significantly diminished and cannot be deemed conclusive as to value of the subject property.

Next, the valuation date at issue in this proceeding is January 1, 2007. Except for one sale in April, 2007, the sales data considered by the appraiser all occurred from October through December 2007. The Board finds it significant that the majority of the suggested comparable sales were 10 months or more after the date of valuation at issue in this proceeding, particularly where the appellant acknowledged that there had been a downturn in the housing market. Based on these facts, the Property Tax Appeal Board finds the sales presented lack reliability in reflecting market values closer in time to January 1, 2007.

Despite the aforesaid issues, a total of five comparable sales were presented through the appraisal for the Board's consideration. Sales comparables #4 and #5 differed substantially from the subject in land size, story height/design, and age and for those reasons have been given less weight by the Board in its analysis. Of the remaining properties, sales comparables #1 and #2 were similar to the subject in land area, but differed in other respects. Since the subject improvements have 3,933 square feet of living area, none of the remaining three suggested comparable properties, #1, #2 and #3, which

ranged in size from 2,224 to 2,930 square feet of living area, were truly similar to the subject dwelling. Despite these stark differences, on this record the Board finds comparables #1, #2 and #3 to have been the most similar to the subject in land size, design, exterior construction, features, location and/or age. Given this record and due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These three comparables sold between April and December 2007 for prices ranging from \$380,000 to \$412,000 or from \$140.61 to \$170.86 per square foot of living area including land. The subject's current total assessment of \$174,108 reflects an estimated fair market value of \$523,633 or \$133.14 per square foot of living area, including land, based on the 2007 three-year median level of assessments for McHenry County of 33.25%, which is below the range of the most similar comparables presented on this record. After considering the most comparable sales on this record, the Board finds the appellants did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

In conclusion, the Board finds the appellants have not demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence nor have the appellants established overvaluation by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established 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.

*Ronald 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.