



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

APPELLANT: Karen Freund
DOCKET NO.: 08-03513.001-R-1
PARCEL NO.: 19-27-281-002

The parties of record before the Property Tax Appeal Board are Karen Freund, the appellant, 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: \$7,045
IMPR.: \$68,959
TOTAL: \$76,004

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 0.152-acres of land area is improved with a 77-year old, 1 ½-story dwelling of frame construction containing 1,856 square feet of living area with a full basement, central air conditioning, a fireplace, a screened porch and a detached two-car garage of 414 square feet. The property is located in Algonquin, Algonquin Township, McHenry County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted information on three sales comparables. The properties were improved with one-story or two-story frame or frame and masonry dwellings that range in age from 15 to 49 years old for consideration. The comparables range in size from 1,040 to 2,626 square feet of living area. Features include basements, one of which is fully finished, and garages ranging in size from 330 to 520 square feet of building area. Two comparables have central air conditioning and two comparables have a fireplace. The appellant further reported the comparables enjoy a patio, a porch and a "huge deck, fenced yard" respectively.

As to the subject, the appellant also reported the home has septic not city sewer, there is an invasive tree species "requiring laborious removal" and the windows are original with added storm windows. Comparable #1 has professional landscaping, an attached two-car garage and hardwood flooring in bedrooms. Comparable #2 is a custom built 15 year old dwelling with an attached 2.5-car garage and comparable #3 has been "updated" and has a partially finished basement with an office. The sales of these comparables occurred in August or October 2008 for prices ranging from \$195,000 to \$229,500 or from \$87.40 to \$206.73 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$63,333 or a market value of approximately \$190,000 or \$102.37 per square foot of living area including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$76,004 was disclosed. The subject's assessment reflects an estimated market value of \$228,652 or \$123.20 per square foot of living area including land using the 2008 three-year median level of assessments for McHenry County of 33.24%.

The board of review presented a letter from the Algonquin Township Assessor along with two grids, one of which reiterated the appellant's data and one of which was presented by the assessor to support the subject's estimated market value. The assessor reported that appellant's comparable #2 was an invalid sale as it was in foreclosure. No documentation to support the contention that the sale did not reflect an arm's length transaction was presented by the assessor such as failure to advertise the property on the open market for a reasonable period of time with a sale involving traditional cash or financing terms. In addition, the assessor noted appellant's comparables #1 and #3 were one-story designed dwellings different from the subject's design.

In support of the subject's estimated market value as reflected by its assessment, the assessor presented descriptions and sales data on five comparable properties described as 1 ½-story frame, log or frame and masonry dwellings that range in age from 12 to 68 years old. The dwellings range in size from 1,029 to 1,860 square feet of living area. Features include full or partial basements, two of which are finished, and garages ranging in size from 239 to 572 square feet of building area. Two of the comparables enjoy central air conditioning like the subject and three of the comparables have a fireplace like the subject. The comparables sold between August 2005 and October 2007 for prices ranging from \$240,000 to \$319,900 or from \$140.35 to \$248.32 per square foot of living area including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Board further finds a reduction in the subject's assessment is not warranted.

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. 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 (3rd Dist. 2002). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of eight comparable sales for the Board's consideration. The Board has given less weight to the appellant's three comparables due to differences in size and design from the subject dwelling. The Board has also given less weight to board of review comparables #1 and #2 due to differences in size and/or exterior construction as compared to the subject. The Board finds the remaining three comparables submitted by the board of review were most similar to the subject in size, design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between August 2005 and August 2007 for prices ranging from \$240,000 to \$319,900 or from \$140.35 to \$171.99 per square foot of living area including land. The subject's assessment reflects a market value of approximately \$228,652 or \$123.20 per square foot of living area, including land, which is below the range established by the most similar comparables on a per square foot basis. After considering the most comparable sales on this record, the Board finds the appellant 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.

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

J. R.

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: July 20, 2012

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.