



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

APPELLANT: Nicholas Finia & Astrid Sinram
DOCKET NO.: 08-03753.001-R-1
PARCEL NO.: 09-32-127-001

The parties of record before the Property Tax Appeal Board are Nicholas Finia & Astrid Sinram, 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: \$28,462
IMPR.: \$152,359
TOTAL: \$180,821

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 0.95-acre parcel improved with a two year-old, two-story style frame and masonry dwelling that contains 4,000 square feet of living area. Features of the home include central air conditioning, a fireplace, a three-car garage, a full unfinished basement and an in-ground swimming pool. The subject is located in McHenry, McHenry Township, McHenry County.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation and assessment inequity regarding the subject's land and improvements as the bases of the appeal. The appellants first argued the subject dwelling's living area as determined by the township assessor was incorrect. In support of this contention, the appellants submitted a letter prepared by the architect who drew the blueprints for the subject dwelling. The architect asserted the dwelling was "built per the drawings submitted" and that he "determined the following to be the size of this property: Ground level SF: 1692 SF; 2nd Story SF: 1987 SF; Total SF: 3679 SF." The architect was not present at the hearing

to provide testimony to support the assertions contained in his letter.

In support of the overvaluation argument, the appellants submitted an appraisal of the subject property wherein the appraiser estimated the subject's market value at \$425,000 as of the report's effective date of May 17, 2010, based on the sales comparison approach. The appraiser, who was not present at the hearing to provide testimony or be cross-examined regarding the appraisal methodology, selection of comparables, adjustment process and amounts, or final value conclusion, examined three comparable properties located 2.12 to 5.39 miles from the subject. The comparables were described as two-story style brick or brick and frame dwellings that are three or four years old and range in size from 3,616 to 4,048 square feet of living area that are situated on one-acre or 1.17-acre lots. Features of the comparables include central air conditioning, one or two fireplaces, three-car garages and full basements, two of which are finished walk-out style basements. The comparables sold between June 2009 and April 2010 for prices ranging from \$401,000 to \$485,000 or from \$99.06 to \$123.98 per square foot of living area including land. The appraiser adjusted the comparables' sales prices for differences when compared to the subject, such as sale date, location, site size, construction quality, room count, living area, basement finish and patios or decks. After adjustments, the comparables had adjusted sales prices ranging from \$379,700 to \$461,400 or from \$93.80 to \$117.94 per square foot of living area including land. The appraisal included a drawing of the subject dwelling, with measurements, which depicted the subject as containing 3,790 square feet of living area.

The appellants also indicated on their petition that the subject sold in July 2006 for \$544,500 after having been listed for sale through a realtor for approximately one year.

In support of the assessment inequity argument, the appellants submitted a grid analysis of three comparable properties located 1/8 mile to 3 miles from the subject. The comparables had lots ranging in size from 0.95-acre to 1.41 acres, with land assessments ranging from \$27,032 to \$28,462 or from \$19,172 to \$29,749 per acre. The subject has a land assessment of \$28,462 or \$29,960 per acre. In support of the improvement inequity argument, the appellants submitted improvement data on the same three comparables used to support the land inequity contention. The comparables consist of two-story homes of part masonry construction that are 3 years old and range in size from 3,719 to 4,500 square feet of living area. Features of the comparables include central air conditioning, a fireplace, three-car or four-car garages and unfinished basements that contain from 1,805 to 2,060 square feet. These properties have improvement assessments ranging from \$127,525 to \$153,256 or from \$34.06 to \$34.29 per square foot of living area. The subject has an improvement assessment of \$152,359 or \$38.09 per square foot of living area. The appellants' grid also indicated comparable #2 sold in June

2008 for \$524,650 or \$135.01 per square foot of living area including land.

The appellants further submitted various exhibits comprised of photographs and data to show "dramatically falling" prices for existing homes and new construction in McHenry Township depicted on screen prints from a website called Realtor.com. The appellants' evidence did not disclose the proximity of these homes to the subject. Based on this evidence the appellants requested the subject's land assessment be reduced to \$26,706 and its improvement assessment be reduced to \$139,960 or \$34.99 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$180,821 was disclosed. The subject has an estimated market value of approximately \$543,986 or \$136.00 per square foot of living area including land, as reflected by its assessment and the McHenry County 2008 three-year median level of assessments of 33.24%.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted property record cards and a grid analysis of two comparable properties located in the subject's subdivision, along with an analysis of the appellants' comparables and a list of assessments for all 110 homes in the subject's subdivision. The board of review's comparables have lots that contain 50,660 and 66,217 square feet of land area, respectively, and have identical land assessments of \$28,462. The comparable dwellings consist of two-story style frame and masonry dwellings that were built in 1999 or 2003 and contain 3,495 and 3,916 square feet of living area, respectively. Features of the comparables include central air conditioning, one or two fireplaces, garages that contain 800 or 1,008 square feet of building area and full unfinished basements. The comparables sold in February 2007 for prices of \$545,000 and \$640,668 or \$155.94 and \$163.60 per square foot of living area including land.

In further support of the subject's assessment, the board of review submitted a list of all 110 homes in the subject's subdivision, including the subject. The comparables were built between 1991 and 2006 and range in size from 2,197 to 4,502 square feet of living area and had improvement assessments ranging from \$67,253 to \$212,133 or from \$23.23 to \$60.26 per square foot of living area.

The land assessments of the 110 properties (including the subject) in the subject's subdivision range from \$20,382 to \$28,462. Eleven of these properties had land assessments of \$28,462 like the subject. No land size data was presented in the list

During the hearing, the board of review called the township assessor to testify. The witness testified "multiple visits" were made to the subject property during its construction and

that the owner agreed with the exterior dimensions. The witness also testified the instant appeal is the first time the living area of the subject dwelling was disputed. Finally, the assessor testified the foyer of the dwelling was not included in the living area calculations. A board of review member also testified the appellants' 2010 appraisal is irrelevant to the subject's 2008 assessment and that the appellants' architect may have determined the subject dwelling's living area by using foundation measurements, rather than exterior wall dimensions, as is typically done by township assessors.

In rebuttal, the appellants argued not all the homes in the subject's subdivision are custom built and that at least ten other homes have in-ground pools.

After hearing the testimony 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 no reduction in the subject property's assessment is warranted.

The appellants contend overvaluation as the basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellants have failed to meet this burden.

The Board first finds the parties disputed the subject's living area. The appellants submitted a letter prepared by the architect who asserted he drew the blueprints for the subject dwelling, the home was built according to the blueprints and that the home contains 3,679 square feet of living area. However, the architect was not present at the hearing to provide testimony supporting his letter. The appellants also submitted an appraisal in which the appraiser estimated the subject's living area at 3,790 square feet, but the appraiser was also not present at the hearing to testify regarding the measurement technique employed in preparing the report. The Board finds the appellants' own contradictory evidence regarding the subject's living area renders their living area argument not credible. The Board finds the board of review submitted a detailed drawing, with measurements using exterior wall dimensions, which depicts the subject dwelling as containing 4,000 square feet of living area. The township assessor testified her staff made "multiple visits" to the subject property and that the owner agreed to the exterior dimensions determined by assessment office personnel. The appellants did not dispute the assessor's assertion that they had agreed with the living area estimate as determined by the assessment office's personnel. Based on an analysis of the evidence and testimony in this record, the Property Tax Appeal Board finds the subject contains 4,000 square feet of living area.

With respect to the overvaluation argument, the Board finds the appellants submitted an appraisal of the subject with a market value estimate of \$425,000 as of the report's effective date of May 17, 2010, based on the sales comparison approach. The appraiser was not present at the hearing to provide testimony or be cross-examined regarding the appraisal methodology, selection of comparables, adjustment process and amounts, or final value conclusion. However, the Board finds that the appraiser failed to adjust the sales for any changes in the real estate market between the subject's January 1, 2008 assessment date and the dates of the comparable sales, which occurred in 2009 and 2010. For these reasons, the Board gave no weight to the appraisal's value conclusion, but will consider the raw sales data for the three comparable sales in the appraisal. The Board will also consider the appellants' comparable #2 described in their equity grid, which sold in June 2008 for \$525,650 or \$135.01 per square foot of living area including land. The Board gave little weight to the comparables described in the appellants' exhibits from Realtor.com, because the proximity of these properties to the subject was not established. The Board finds the board of review submitted information on two comparable sales located in the subject's subdivision. The Property Tax Appeal Board gave less weight to the appellants' appraisal comparables because they sold between June 2009 and April 2010, well after the subject's January 1, 2008 assessment date. The Board finds the appellants' comparable #2 on their grid, as well as the board of review's two comparable sales provide the best indication of the subject's market value. These properties sold between February 2007 and June 2008 for prices ranging from \$524,650 to \$640,668 or from \$135.01 to \$163.60 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$136.00 per square foot of living area including land falls within and near the low end of this range. The Board further finds the subject sold in July 2006 for \$544,500. Therefore, the Board finds the evidence in this record supports the subject's estimated market value as reflected by its assessment.

The appellants also contend assessment inequity regarding the subject's land and improvements as a basis for the appeal. 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 met this burden.

With respect to the land inequity contention, the Board finds the appellants submitted a grid analysis of three comparables located 1/8 mile to three miles from the subject. The board of review submitted a list of all 110 properties in the subject's subdivision, as well as a grid which detailed the lot sizes and land assessments of two of these comparables. The Board finds

the appellants' three land comparables and the board of review's two comparables had land assessments ranging from \$27,032 to \$28,462. The board of review's comparables, located in the subject's subdivision had land assessments of \$28,462, identical to the subject. The Board further finds 11 of the comparables from the board of review's list of 110 properties in the subject's subdivision had land assessments of \$28,462. Based on this analysis, the Property Tax Appeal Board finds the subject's land assessment is supported by the evidence in this record.

With respect to the improvement inequity contention, the Board finds the appellants submitted three comparables, while the board of review's submitted two grid comparables, as well as the list of 110 properties located in the subject's subdivision. The Board gave less weight to the board of review's list because the different features of all these properties when compared to the subject could not be determined with specificity. The Board finds the appellants' three comparables and the board of review's two grid comparables were generally similar to the subject in design, age, size and most features and had improvement assessments ranging from \$127,525 to \$177,935 or from \$34.06 to \$45.44 per square foot of living area. The subject's improvement assessment of \$152,359 or \$38.09 per square foot of living area falls within this range.

In conclusion, the Board finds the appellants have failed to prove overvaluation by a preponderance of the evidence or assessment inequity by clear and convincing evidence and the subject's assessment as determined by the board of review is correct. Therefore, 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.



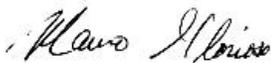
Chairman



Member



Member



Member



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: March 23, 2012



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.