



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

APPELLANT: Marilyn Little
DOCKET NO.: 08-04867.001-R-1
PARCEL NO.: 14-29-103-012

The parties of record before the Property Tax Appeal Board are Marilyn Little, 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: \$30,735
IMPR: \$136,704
TOTAL: \$167,439

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 21-year old, two-story dwelling of frame construction containing approximately 3,799 square feet of living area¹ with a partial unfinished walkout-style basement, central air conditioning, a fireplace and a three-car garage. The property is located in Crystal Lake, Nunda Township, McHenry County.

The appellant's appeal is based on overvaluation of the subject property. As bases of the appeal, both recent sale and comparable sales were checked in Section 2d of the Residential Appeal petition. However, the appellant did not complete Section IV on recent sale data concerning a recent sale of the subject property.

In support of the comparable sales argument, the appellant submitted information on eight sales comparables, four of which

¹ In the petition, the appellant made reference to an appraiser having determined the dwelling as containing 3,500 square feet of living area, but no data in support of this contention was submitted. Moreover, in the Section V grid analysis, the appellant reported the subject dwelling as having 3,799 square feet of living area.

were submitted with the initial appeal filing and four of which were submitted with a corrected appeal filing. The properties were improved with two-story frame or frame and brick dwellings that range in age from approximately 5 to 40 years old for consideration. The comparables range in size from 2,266 to 3,672 square feet of living area. Features include full or partial basements of standard or English style of which three include finished area. Each comparable has central air conditioning, a fireplace and a two-car or three-car garage. One comparable also has an in-ground swimming pool. The sales occurred from approximately February 2008 to March 2009 for prices ranging from \$315,000 to \$445,000 or from \$95.04 to \$156.42 per square foot of living area, including land. In the petition, the appellant also stated "Sales are newer, brick exterior, more baths, finished basements, better areas. My neighborhood is old with several homes in foreclosure. Other homes have better quality, etc."

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$141,800 or a market value of approximately \$425,400 or \$111.98 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 \$167,439 was disclosed. The subject's assessment reflects an estimated market value of \$503,727 or \$132.59 per square foot of living area including land using the 2008 three-year median level of assessments for McHenry County of 33.24%.

In support of the subject's assessment, the board of review submitted a letter from the Nunda Township Assessor along with a grid analysis of both the appellant's eight comparables and three comparables presented by the assessor to support the assessment. As to the appellant's evidence, the assessor contended that but for one home, the comparables were considerably smaller than the subject dwelling. In addition, three of the comparables were considerably older than the subject. Moreover, for sales that occurred from September 2008 onward, the assessor contended these were too distant from the assessment date of January 1, 2008.

To support the subject's estimated market value as reflected by its assessment, the assessor presented descriptions and sales data on three comparable properties which were deemed to be more similar to the subject in size, age and characteristics. The comparables consist of two-story frame or frame and brick dwellings that range in age from 12 to 19 years old. The dwellings range in size from 3,435 to 3,496 square feet of living area. Each comparable has a full or partial unfinished standard basement, central air conditioning, a fireplace and a three-car garage. These comparables sold between July 2007 and July 2008 for prices ranging from \$480,000 to \$528,000 or from \$137.30 to \$153.71 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant questioned the criticisms of the appellant's comparables set forth by the assessor regarding location due to proximity and comparables that enjoy larger parcels with newer, better built homes. As to the board of review's suggested comparables, the appellant contends each is located in an upscale area of newer custom homes with better construction and acre-plus lots, not a declining neighborhood like the subject which is surrounded by foreclosures and rentals.

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 eleven comparable sales for the Board's consideration. Due to differences in lot size, age and/or dwelling size, the Property Tax Appeal Board has given less weight to appellant's comparable #2, #4, #7 and #8 along with board of review comparable #10. The Board finds the remaining six comparables submitted by both parties 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 approximately July 2007 and November 2008 for prices ranging from \$339,000 to \$528,000 or from \$107.72 to \$153.71 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$503,727 or \$132.59 per square foot of living area, including land, using the three-year median level of assessments which falls within the range established by the most similar comparables on a per-square-foot basis. The subject's estimated market value based on its assessment appears to be supported in particular by appellant's comparable #3 which is similar in lot size, slightly newer, but does not enjoy the walkout basement feature enjoyed by the subject dwelling. 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 on this record.

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: August 28, 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.