



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

APPELLANT: Dale & Tina Moore
DOCKET NO.: 09-02627.001-R-1
PARCEL NO.: 14-26-127-002

The parties of record before the Property Tax Appeal Board are Dale & Tina Moore, the appellants, and the McHenry County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$23,841
IMPR: \$105,912
TOTAL: \$129,753

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of .72-acres of land area is improved with a two-story frame and stone exterior constructed single-family dwelling built in 2002. The dwelling contains approximately 2,856 square feet of living area¹ with a walkout-style basement that is partially finished, central air conditioning, a three-car garage and an in-ground swimming pool. The subject property is located in Prairie Grove, Nunda Township, McHenry County.

The appellants' appeal contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellants submitted an appraisal prepared by real estate appraiser Robert Jewell estimating the subject property had a market value of \$390,000 as of January 1, 2009. The property rights appraised were fee simple and the purpose of the appraisal was for "real estate tax appeal."

¹ The appellants' appraiser reported 2,856 square feet of living area supported by a detailed schematic. The board of review reported 2,807 square feet of living area, but failed to provide any support for this contention or to submit the subject's property record card as required. (86 Ill.Admin.Code §1910.40(a)).

In discussing the subject site, the appraiser noted the property backs to a subdivision road. "The rear view of the road has a negative affect [*sic*] on value and marketability due to aesthetics coupled with the loss in privacy." The photographs in the appraisal report include a "rear road view" which depicts an outbuilding along with a driveway that approaches the rear of the subject dwelling and then a "rear view of subject property" depicts both the garage and swimming pool/patio area behind the dwelling with a large grassy yard and large tree. The appraiser also wrote, "[e]xternal obsolescence is due to the rear view of a subdivision road which results in a loss of privacy and appeal."

The appraiser also deemed the subject to be an overimprovement for this older "more modest appealing subdivision" due to the subject's larger size, newer age and better quality for the immediate area. As a result, the appraiser characterized this as functional obsolescence although the appraiser did not present a cost approach to value in the report.

Among the additional comments in the report, the appraiser noted there was functional obsolescence due to "the cost of the inground pool which is considered a gross overimprovement for the area."² In this regard, the appraiser noted that pools do not add value to properties in the area, but rather limit marketability as a portion of the market would not purchase due to the pool. In addition, the appraiser opined that the cost of a pool greatly exceeds its market contribution due to seasonal limitations, the cost of operation and potential safety concerns. "There is a portion of the market which would be attracted to this property because of the pool however, there is no evidence of market contribution in this area as verified by paired sales analysis."

As to market conditions, in the addendum it was reported that in the subject's immediate market area there were 495 single-family sales in 2007 with an average price of \$330,652 whereas in 2008 there were 368 sales with an average price of \$302,078. Thus, the appraiser opined that there has been a 17% decrease in sales activity and a 9% decrease in average prices from a year ago according to "Northern Illinois MLS."

Using the sales comparison approach to value, the appraiser analyzed three sales of properties which were located between 0.94 and 1.39 miles from the subject property, but within the same community. The properties were on the market from 98 to 272 days prior to sale and have parcels of either .4 or 1.14 acres of land area. The parcels are improved with either a 1.5-story or a 2-story frame or frame and masonry dwelling that ranged in age from 4 to 24 years old. The comparables range in size from 2,412

² The appellants also submitted a printout from the Nunda Township Assessor's website entitled "property record card" concerning the subject which, among other things, depicted a March 2007 building permit for a swimming pool with a value of \$36,000.

to 3,380 square feet of living area with a full or partial basement, one of which is both a walkout-style and has finished area. Each of the comparable properties has central air conditioning, one or two fireplaces and a three-car garage. The comparables sold between January and August 2008 for prices ranging from \$355,000 to \$436,666 or from \$129.19 to \$149.94 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for location, land area, view, room count, dwelling size, basement size and finish, functional utility and other amenities although no notation was made of the subject's pool and/or adjustments to the comparables for this amenity. As part of the report, the appraiser discussed certain differences and similarities between the subject and comparables. The analysis resulted in adjusted sales prices for the comparables ranging from \$353,100 to \$407,600 or from \$116.74 to \$153.75 per square foot of living area land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$390,000 or \$136.55 per square foot of living area including land.

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$130,000 which would reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$149,652 was disclosed. The final assessment of the subject property reflects a market value of \$449,811 or \$157.50 per square foot of living area, including land, using the 2009 three-year median level of assessments for McHenry County of 33.27%.

In support of the subject's estimated market value based on its assessment, the board of review through the Nunda Township Assessor submitted a grid analysis of three suggested comparable sales located in the communities of either Crystal Lake or Prairie Grove. The parcels range in size from .34 to 1.22 acres of land area and have been improved with two-story frame or frame and masonry dwellings ranging in size from 2,736 to 3,338 square feet of living area. The dwellings range in age from 1 to 21 years old and have partial basements, one of which has finished area with an English basement feature and one of which is a walkout-style. Each home has central air conditioning, a fireplace and a three-car garage. These properties sold between May and September 2008 for prices ranging from \$428,500 to \$495,000 or from \$148.29 to \$156.62 per square foot of living area, including land.

Based on the foregoing 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 that a reduction in the subject's assessment is warranted.

The appellants argued that the subject's assessment was not reflective of 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 this burden of proof has been met and a reduction in the subject's assessment is warranted.

The appellants submitted an appraisal of the subject property with a final value conclusion of \$390,000, while the board of review submitted three sales to support the estimated market value based on the assessment. Upon consideration of the evidence in the record, the Property Tax Appeal Board finds that the appraisal submitted by the appellants estimating the subject's market value of \$390,000 is the best evidence of the subject's market value in the record and is further supported by the most similar sale comparable #3 suggested by the board of review.

Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for McHenry County for 2009 of 33.27% shall be applied.

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

[Signature]

Member

[Signature]

Member

[Signature]

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 22, 2013

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.