



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

APPELLANT: Donald S. & Dolores Anderson
DOCKET NO.: 09-03517.001-R-1
PARCEL NO.: 18-11-302-016

The parties of record before the Property Tax Appeal Board are Donald S. & Dolores Anderson, the appellants, by attorney James G. Militello III, of Zanck, Coen & Wright, P.C. in Crystal Lake; 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: \$39,091
IMPR: \$109,959
TOTAL: \$149,050

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 28,000 square foot parcel improved with a one-story ranch dwelling of frame and masonry construction built in 1990. The subject contains 3,098 square feet of living area. Features include a full, partially finished basement, central air-conditioning, a garage containing 931 square feet of building area and two fireplaces.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument, the appellants submitted a grid analysis of three comparable sales located in close proximity to the subject. The comparables were described as one-story or two-story brick or brick and cedar dwellings that ranged from 18 to 22 years old. The comparables were situated on lots ranging from 34,928 to 41,306 square feet. The comparables had partial or full basements. Two of the basements were partially finished and one was described as a full walk-out style basement. Each home had central air-conditioning, one or two fireplaces and a two or three-car garage. The comparables sold in June or July

2009 for prices ranging from \$330,000 to \$449,000 or from \$120.47 to \$141.15 per square foot of living area, including land. The appellants submitted the final decision issued by the McHenry County Board of Review establishing a total assessment for the subject of \$162,658, which reflects a market value of approximately \$488,903 or \$157.81 per square foot of living area, including land, using the 2009 three-year median level of assessments for McHenry County of 33.27% as determined by the Illinois Department of Revenue. Based on this evidence the appellants requested the subject's total assessment be reduced to \$136,312.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$162,658 was disclosed. In support of the assessment, the board of review submitted a grid analysis and property record cards detailing five suggested comparable sales along with a grid of the appellants' three comparables. The board of review's comparables were one-story dwellings of frame, brick and frame or brick construction built from 1978 to 2007. One comparable was located in the same subdivision as the subject. Jan Hervert, board of review member, testified that comparable #3 and #4 were located in a different subdivision than the subject and were in a "gated" community. The comparables were situated on lots ranging from 16,147 to 24,948 square feet of land area. The homes ranged in size from 2,142 to 3,496 square feet of living area. Each of the homes had central air-conditioning, one or two fireplaces and a garage ranging from 706 to 860 square feet of building area. Each comparable had a full basement.¹ The homes sold from June 2008 to August 2009 for prices ranging from \$420,000 to \$665,000 or from \$165.81 to \$219.39 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Board further finds the evidence in the record supports a reduction in the subject's assessment.

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 (3rd Dist. 2002). The Board finds the appellants have met this burden of proof and a reduction in the subject's assessment is warranted.

A total of eight comparable sales were submitted for consideration. The Board gave less weight in its analysis to comparables #1 and #2 submitted by the appellants because they were dissimilar to the subject based on size or design. The

¹ The basement finish for each comparable was not disclosed.

Board also gave less weight to the board of review's comparables because they differed from the subject based on location and/or size. The Board finds there was no supporting testimony or evidence presented by the board of review that each of its comparables were located in the same market area as the subject. In fact, the board of review disclosed two of its comparables were located in a "gated" community, unlike the subject. The Board finds appellants' comparable #3 is the most similar comparable property in this record. This property sold in July 2009 for \$449,000 or \$141.15 per square foot of living area, including land. The Board finds this property is slightly superior to the subject in land area and size. The subject's assessment reflects a market value of approximately \$488,903 or \$157.81 per square foot of living area, including land, which is above this most similar property which the Board has found superior to the subject. Based on this analysis, the Board finds the subject's estimated market value as reflected by its assessment is excessive.

In conclusion, the Board finds the appellants have demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a 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.

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: March 23, 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.