



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

APPELLANT: Gerald Walsh
DOCKET NO.: 09-03790.001-R-1
PARCEL NO.: 14-20-451-013

The parties of record before the Property Tax Appeal Board are Gerald Walsh, the appellant, 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: \$21,250
IMPR.: \$57,083
TOTAL: \$78,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 47,480 square feet of land area is improved with a split-level single-family dwelling of frame and brick exterior construction that was built in 1988. The home contains 1,574 square feet of living area and features a full finished lower level, a fireplace, and an attached two-car garage. The property is located in Crystal Lake, Nunda Township, McHenry County.

The appellant submitted a residential appeal contending overvaluation based on a recent sale of the subject property. In support of this argument, the appellant indicated on the appeal form that the subject property was sold in January 2010 for a price of \$235,000. The appellant indicated the subject property was sold to Brian Remington, the property was advertised on the open market through the Multiple Listing Service and the sale involved Realtor Gary Koopman of Century 21 Sketch Book. Furthermore, the parties to the transaction were not related. The appellant also submitted a copy of the Multiple Listing Service (MLS) sheet with an original listing price of \$259,000, a listing date of August 11, 2009 and a closing statement dated January 29, 2010 disclosing a contract price of \$235,000. The

agent remarks on the MLS sheet are "this home is priced \$28,000 below the assessed valuation!"

Based on this evidence the appellant requested the subject's assessment be reduced to \$78,333 or a market value of approximately \$235,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$86,658 was disclosed. The subject's assessment reflects a market value of approximately \$260,469 or \$165.48 per square foot of living area including land when applying the 2009 three year median level of assessments for McHenry County of 33.27%.

The board of review submitted a two-page letter from Dennis Jagla, the Nunda Township Assessor, along with a spreadsheet and photos of the comparables. In the letter, the township assessor reported that the subject property was listed with a Realtor in August 2009 for \$259,000 and reduced in September 2009 to \$249,900. The property went under contract in December 2009, but did not close until January 29, 2010 for \$235,000. The assessor contends the sale price is reflective of the 2010 value of the property, but the sales presented by the assessor support the 2009 estimated market value of the subject of \$260,000.

The spreadsheet set forth four sales of properties in various subdivisions, none of which was the same as the subject's subdivision. The comparable properties are improved with a two-story and three, split-level dwellings of frame and brick exterior construction. The homes were built between 1963 and 1978. The dwellings range in size from 1,520 to 2,728 square feet of living area. Two comparables have finished lower levels and each features central air conditioning, one or two fireplaces and a two-car garage. The sales occurred between March and October 2008 for prices ranging from \$224,000 to \$265,000 or from \$92.47 and \$174.34 per square foot of living area including land.

As a final point in the letter the township assessor contends that given the 2009 market decline, if "one percent per month is added to the sale price," the subject's indicated value would be \$263,200.

Based on the foregoing data, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In written rebuttal, the appellant contends that no data was submitted to support adjusting the subject's sale price by 1% per month to arrive at a value for January 1, 2009. The appellant submitted data from the Consumer Price Index for the proposition that the cost for shelter declined by 0.1% in the period of January 2009 to January 2010. In addition, the appellant cited to Standard and Poors 500 (S&P 500).

Lastly, the appellant pointed out that board of review comparable #1, which is very similar to the subject, sold a mere three months prior to the assessment date of January 1, 2009 and had a lower sale price of \$224,000, despite its additional feature of central air conditioning not enjoyed by the subject.

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

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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant has met this burden.

The appellant contends the subject's assessment should be reduced based on the sale of the subject as set forth in the record. The evidence disclosed that the subject sold in January 2010 for a price of \$235,000. The board of review's responsive evidence contested the validity of the subject's sale price one year later than the assessment date by asserting the price should be increased by 1% per month to account for time. However, the board of review provided no substantive market data to support this time adjustment. Instead, the board of review provided four comparable sales to support the subject's estimated market value based on its assessment. The Property Tax Appeal Board has given less weight to board of review comparables #2 and #3 due to differences in design, dwelling size and/or age when compared to the subject. The Board finds that board of review comparable #4 is most distant in time to the assessment date and should be given reduced weight for that reason, but board of review comparable #1 which sold in October 2008 is similar in most respects to the subject and is accorded substantial weight by the Board. This comparable sold for \$224,000 or \$137.93 per square foot of living area including land which supports the subject's sale price in January 2010 for \$235,000 or \$149.30 per square foot of living area including land, despite the fact that the subject does not have the feature of central air conditioning.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has

held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill. App. 3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc., 45 Ill. 2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). Based on the foregoing, even though the sale occurred after January 1, 2009, the Board finds the subject's sale price is the best evidence of the subject's market value on the record and is well-supported by board of review comparable #1.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$235,000 on January 1, 2009. The subject's assessment reflects an estimated market value of approximately \$260,469, which is substantially higher than its January 2010 sale price and the sale price of board of review comparable #1 that occurred a mere three months prior to the assessment date of January 1, 2009. Therefore a reduction in accordance with the appellant's request 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: January 31, 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.