



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

APPELLANT: Marilyn Little
DOCKET NO.: 09-04103.001-R-1
PARCEL NO.: 14-31-478-010

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: \$17,536
IMPR.: \$42,884
TOTAL: \$60,420

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 9,583 square feet of land area is improved with an 84-year old, 1.5-story dwelling of frame exterior construction containing 1,568 square feet of living area. The home features a partial unfinished basement and central air conditioning. The property is located in Crystal Lake, Nunda Township, McHenry County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted information on three sales comparables located "in town" and within 1.25-miles of the subject property. The comparable parcels are improved with a two-story and two, one-story frame dwellings that were 52 to 55 years old. The comparables range in size from 1,056 to 1,272 square feet of living area. Two of the comparables have basements, one of which is finished. Each home has central air conditioning and a one-car or a two-car garage. Two comparables have a fireplace. The sales occurred between February and June 2009 for prices ranging from \$156,900 to \$198,000 or from \$135.22 to \$187.50 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment

to \$50,500 which would reflect a market value of approximately \$151,500 or \$96.62 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 \$60,420 was disclosed. The subject's assessment reflects an estimated market value of \$181,605 or \$115.82 per square foot of living area, including land, using the 2009 three-year median level of assessments for McHenry County of 33.27%.

As to the appellant's evidence, through the township assessor the board of review asserted that the appellant's comparables are dissimilar because they differ in age and two of the comparables differ in design from the subject.

In support of the subject's assessment, the board of review through the township assessor presented descriptions and sales data on two comparables in addition to reiterating the appellant's three comparables along with presenting "adjusted sales prices" for each of the comparables. There was no substantive factual support in the submission for the purported adjustment made to the sales. The assessor wrote the 2008 sale was adjusted downward by ½% per month and the 2009 sales were adjusted upward by 1% per month. "These figures represent the sales trend in Nunda Township."

The comparable sales presented by the township assessor to support the subject's estimated market value are parcels improved with a 1.5-story and a two-story frame or frame and brick dwelling. The homes are 74 and 84 years old, respectively. The homes contain 1,440 and 2,325 square feet of living area. The comparables have partial and full basements, respectively, one of which is partially finished. Each has central air conditioning, one or two fireplace and either a one-car or a two-car garage. The comparables sold in April 2008 and September 2009 for prices of \$265,000 and \$270,000 or for \$116.13 and \$184.03 per square foot of living area, including land. Based on this 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 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). 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 evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of five comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given less weight to appellant's comparables #1 and #2 due to their one-story design when compared to the subject property. The Board finds the remaining three comparables submitted by both parties were most similar to the subject in size, design, exterior construction, foundation 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 April 2008 and September 2009 for prices ranging from \$198,000 to \$270,000 or from \$116.13 to \$187.50 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$181,605 or \$115.82 per square foot of living area, including land, which is below the range established by the most similar comparables both as to total sale price and on a per square foot basis. After considering these most comparable sales on the record along with adjustments for differences, the Board finds the appellant did not demonstrate that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment is not 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.