



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

APPELLANT: Thomas Oberheide
DOCKET NO.: 10-03865.001-R-1
PARCEL NO.: 20-17-278-018

The parties of record before the Property Tax Appeal Board are Thomas Oberheide, the appellant, by attorney Lawrence S. Fischer of the Law Office of Lawrence S. Fischer, Cary, Illinois; 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: \$8,802
IMPR.: \$31,460
TOTAL: \$40,262

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 1.5-story single family dwelling of frame construction containing 1,508 square feet of living area. The dwelling was approximately 78 years old. Features of the property include a crawl space foundation and a two-car detached garage. The property has a 21,780 square foot site and is located in Cary, Algonquin Township, McHenry County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$125,000 as of April 10, 2011. The appraisal was prepared by Ronald P. Mohr, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value.

The report indicated the property rights appraised were the fee simple interest. The appraisal also indicated the assignment type was for a refinance transaction. The lender/client, however, was noted to be Tom Oberheide, the property owner.

Using the sales comparison approach the appraiser provided information on three comparable sales described as two one-story dwellings and one split-level style dwelling of frame

construction that ranged in size from 887 to 1,761 square feet of living area. The dwellings ranged in age from 31 to 54 years old. Two of the comparables have unfinished basements, two comparables have central air conditioning, two of the comparables each have one fireplace and one comparable has a two-car garage. The comparables have sites ranging in size from 7,200 to 24,660 square feet of land area. The comparables are located in Cary approximately three miles northwest of the subject property. The comparables sold from April 2010 to September 2010 for prices ranging from \$106,000 to \$160,000 or from \$84.94 to \$149.94 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$106,450 to \$132,900. Based on this data the appraiser estimated the subject had a value under the sales comparison approach of \$125,000.

The appellant also indicated on the appeal form the subject property was purchased in January 2008 for a price of \$135,000.

Based on this evidence the appellant requested the subject's assessment be reduced to \$43,664.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$58,605 was disclosed. The subject's assessment reflects a market value of \$181,947 or \$120.65 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for McHenry County of 32.21% as determined by the Illinois Department of Revenue.

In support of the subject's assessment the board of review submitted a memorandum from the township assessor which included four comparable sales improved with two one-story dwellings and two 1.5-story dwellings of frame or brick construction that range in size from 575 to 1,142 square feet of living area. The dwellings ranged in age from 52 to 88 years old. Two of the comparables have basements with one being partially finished, one comparable has central air conditioning, one comparable has a fireplace and three comparables have garages ranging in size from 330 to 616 square feet of building area. The comparables have sites ranging in size from 6,188 to 14,873 square feet of land area. The comparables were stated as being located from approximately one to four blocks from the subject property. The comparables sold from January 2008 to December 2008 for prices ranging from \$95,000 to \$213,500 or from \$165.22 to \$188.77 per square foot of living area, including land. The assessor made adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$136,500 to \$198,000. Based on this analysis the assessor stated the indicated value by the sales comparison approach was \$180,500.

The assessor's memo stated that the office was unable to locate 2009 sales in the area. The data provided by the assessor also stated the subject sold in January 2008 for a price of \$135,000.

In rebuttal the appellant submitted a new appraisal prepared for refinancing purposes estimating the subject property had a market value of \$80,000 as of July 26, 2012. Section 1910.66(c) of the rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Admin.Code 1910.66(c)).

The Board finds the new appraisal submitted by the appellant is improper rebuttal evidence and will not be considered by the Property Tax Appeal Board.

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

The appellant contends 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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal of the subject property submitted by the appellant estimating the subject property had a market value of \$125,000 as of April 10, 2011. The appellant's appraiser developed the sales comparison approaches to value using sales that offered varying degrees of similarity to the subject property. These properties also sold most proximate in time to the assessment date at issue. The appraised value is below the market value reflected by the assessment of \$181,947 or \$120.65 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for McHenry County of 32.21% as determined by the Illinois Department of Revenue. The Board also finds the appraised value tends to be supported by the reported sales price of the subject property in January 2008 for \$135,000. Less weight was given the comparable sales presented by the board of review due to the dates of sale not being as proximate in time to the assessment date at issue as were the sales contained in the appraisal. Based on this record the Board finds the subject property had a market value of \$125,000 as of January 1, 2010. Since market value has been determined the 2010 three year

Docket No: 10-03865.001-R-1

average median level of assessment for McHenry County of 32.21% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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: August 23, 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.