



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

APPELLANT: Judy Kammer
DOCKET NO.: 11-01504.001-R-1
PARCEL NO.: 18-01-203-024

The parties of record before the Property Tax Appeal Board are Judy Kammer, 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: \$11,488
IMPR.: \$30,174
TOTAL: \$41,662

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 1.5-story Cape Cod single-family dwelling of frame construction containing approximately 1,789 square feet of living area.¹ The dwelling was constructed in 1950. Features of the home include a crawl-space foundation, central air conditioning and a two-car garage of 497 square feet. The property has a 6,500 square foot site and is located in Crystal Lake, Grafton 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 January 1, 2011. The appraisal was prepared by Wilma Heisler, a State of Illinois certified real estate appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

As to the subject dwelling, the appraiser noted the home was in average condition and while there were some recent updates,

¹ The appellant's appraiser reported a dwelling size of 1,749 square feet of living area which was supported by a schematic drawing. The board of review included a copy of the subject's property record card with a schematic drawing to support the dwelling size of 1,789 square feet. The Property Tax Appeal Board finds that the minor size dispute is irrelevant to determining the correct assessment of the subject property.

functional utility was considered to be fair "due to the location of the first floor bath off of the laundry room, the small size of bedrooms #3 and #4, the staircase in bedroom #3, the shared closet between bedrooms #3 and #4, and the location of the family room on the second floor which is less desirable than a first floor family room." As to the subject's site, the appraiser found the lot was typical in size, but utility and appeal were inferior due to the necessity of an easement over the neighbor's drive to get to the subject's drive and garage at the rear of the lot. Also noted was that there is a lien on the subject for a special assessment related to city sewer and water with a balance of \$12,361.78.

In the addendum, the appraiser discussed the neighborhood market conditions and reported that in 2010 there were three foreclosure or short sales in the subject's neighborhood and in 2011 there were 14 sales in the subject's neighborhood and the adjacent West End neighborhood where 9 of the sales were foreclosures or short sales. The average marketing time was 152 days and the prices were \$175,000 or less.

In the report, the appraiser provided information on six comparable sales located from .10 to 2.85-miles from the subject property. The comparables are described as one-story, 1.5-story or two-story dwellings of frame or frame and masonry construction that range in size from 1,056 to 1,961 square feet of living area. The dwellings range in age from 13 to 61 years old. Four of the comparables have a full basement, three of which include finished area. Each home has central air conditioning. Two of the comparables have a fireplace and one has a wood burning stove. Five of the comparables have a one-car or a two-car garage. The comparables have sites ranging in size from .15 to .30 of an acre of land area. These six comparables sold from June 2010 to August 2011 for prices ranging from \$50,000 to \$185,500 or from \$47.35 to \$129.59 per square foot of living area, including land. After making adjustments to the comparables for date of sale/time and for differences from the subject in site, view, age, condition, room count, dwelling size, basement and rooms below grade, functional utility and/or other amenities as further discussed in the addendum, the appraiser estimated the comparables had adjusted prices ranging from \$107,039 to \$137,239 or from \$56.47 to \$104.77 per square foot of living area, including land.

Based on this data and giving most weight to comparables #1, #2 and #3 with support from the additional area sales in the report, the appraiser estimated the subject had an estimated value under the sales comparison approach of \$125,000 or \$69.87 per square foot of living area, including land, based upon a dwelling size of 1,789 square feet.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review - Notes on Appeal" wherein the subject's total assessment of \$49,995 was disclosed. The subject's assessment reflects a market value of \$152,656 or \$85.33 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for McHenry County of 32.75% as determined by the Illinois Department of Revenue.

In support of the subject's assessment the board of review submitted information on eight comparable sales where comparables #1, #3, #5 and #7 were newly suggested comparables; the other four comparables presented were contained within the appellant's appraisal. The four new comparable sales are improved with split-level, 1.5-story or two-story dwellings of frame or frame and masonry construction that range in size from 1,227 to 1,748 square feet of living area. The dwellings were constructed from 1950 to 2005. One of the comparables has a full basement. Each home has central air conditioning and two of the comparables have a fireplace. The properties each have a garage ranging in size from 234 to 489 square feet of building area. The comparables have sites ranging in size from 6,735 to 13,390 square feet of land area. The comparables sold from May 2010 to August 2011 for prices ranging from \$129,000 to \$193,000 or from \$76.92 to \$157.29 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant provided copies of the Multiple Listing Service sheets for the four sales presented by the board of review and outlined those items which the appellant contended were important differences of these properties when compared to the subject. The appellant noted differences in location, lot size, design, age, and/or features including basements, 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 this appeal. The Board further finds a reduction in the subject's assessment is warranted.

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. The appellant's appraiser developed the sales comparison approach

to value and the Board finds the sales utilized by the appraiser were similar to the subject in location, size, style, exterior construction, features, age and land area. Moreover, in its analysis, the board of review accepted that four of the sales were appropriate comparisons to the subject dwelling. Furthermore, the appraised value of \$125,000 is below the market value reflected by the assessment of \$152,656.

Less weight was given comparable sales #1, #3 and #5 presented by the board of review due to differences from the subject in size, design, age and/or basement feature. While comparable #7 presented by the board of review is similar to the subject dwelling in many respects, this property sold in December 2010 for \$177,000 and carries a market value substantially higher than the subject's estimated market value. The Board finds that the functional utility issues described in the appraisal regarding the subject dwelling, the driveway easement/access issue and the special assessment lien on the subject all indicate that the appraisal with adjustments for these matters is the best indication of value.

Based on this record, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate 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.

Ronald 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: November 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.