



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

APPELLANT: Nathaniel & Caitlin Fitt
DOCKET NO.: 12-03895.001-R-1
PARCEL NO.: 19-29-478-007

The parties of record before the Property Tax Appeal Board are Nathaniel & Caitlin Fitt, the appellants, by attorney James G. Militello III of Prime Law Group, LLC in Woodstock; 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: \$20,056
IMPR.: \$57,425
TOTAL: \$77,481

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the McHenry County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2012 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of frame construction with 2,492 square feet of living area. The dwelling was constructed in 1991. Features of the home include

an unfinished "English style" basement, central air conditioning, a fireplace and a 597 square foot garage. The property is located in Algonquin, Grafton Township, McHenry County.

The appellants appeared before the Property Tax Appeal Board, through counsel, contending assessment inequity regarding the subject's improvement as the basis of the appeal. In support of this argument the appellants submitted information on three equity comparables that had improvement assessments ranging from \$18.74 to \$19.87 per square foot of living area.

The appellants' counsel stated that appellant, Nathaniel Fitt, selected one of the comparables submitted to the Board and his office selected the other two comparables.

Based on this evidence the appellants' counsel requested the subject's improvement assessment be reduced to \$48,333 or \$19.40 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$77,481. The subject property has an improvement assessment of \$57,425 or \$23.04 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on four equity comparables that had improvement assessments ranging from \$25.08 to \$27.10 per square foot of living area.

At the hearing, board of review member, Mark Ruda, argued that the subject's assessment was based on the subject's April 4, 2011 sale for \$250,000 and then that price was adjusted downward by a time adjustment of 9%.

Ruda called as a witness Tonya Vitous, Deputy Assessor for Algonquin Township. Vitous testified that the appellants' comparable #1 was similar to the subject, however, the board of review's comparable #2 was the most similar comparable offered by either party.

Conclusion of Law

The taxpayers contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment

process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants did not meet this burden of proof and no reduction in the subject's assessment is warranted.

After hearing the testimony and considering the evidence, the Board finds the best evidence of assessment equity to be the board of review's comparables #2, #3 and #4. These comparables were most similar to the subject in location, style, exterior construction, foundation, size and features. The comparables had improvement assessments that ranged from \$25.75 to \$27.10 per square foot of living area. The subject's improvement assessment of \$23.04 per square foot of living area falls below the range established by the best comparables in this record. The Board gave less weight to the appellants' comparables due to their dissimilar features and/or size, when compared to the subject. The Board gave less weight to the board of review's comparable #1 due to its dissimilar features, when compared to the subject. Based on this record the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

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.



Chairman



Member



Member



Member



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 23, 2015



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.