



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

APPELLANT: Stan Kubacki
DOCKET NO.: 13-02979.001-R-1
PARCEL NO.: 14-01-388-017

The parties of record before the Property Tax Appeal Board are Stan Kubacki, 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: \$ 27,018
IMPR.: \$ 83,137
TOTAL: \$ 110,155

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 2013 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 brick dwelling that has 5,131 square feet of living area. The dwelling was constructed in 1983. Features include a crawl space foundation, central air conditioning, a fireplace and a three-car attached garage. The subject property has a .76 acre riverfront lot.

The subject property is located in Nunda Township, McHenry County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a grid analysis of 12 suggested comparable sales located from .2 of a mile to 13.1 miles from the subject property. The comparables had varying degrees of similarity and dissimilarity when compared to the subject in design, dwelling size, age, foundation type, features and land area. The comparables sold from June 2012 to March 2014 for prices ranging from \$114,000 to \$415,000 or from \$87.10 to \$159.52 per square foot of living area including land.

Based on the comparable sales, the appellant requested the subject's assessment be reduced to \$80,368, which reflects an estimated market value of \$241,128 or \$46.99 per square foot of living area including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$110,155. The subject's assessment reflects an estimated market value of \$330,399 or \$64.39 per square foot of living area including land when applying the 2013 three-year average median level of assessment for McHenry County of 33.34%. In support of the subject's assessment, the board of review submitted photographs, aerial photographs, a letter from the township assessor addressing the appeal and seven suggested comparable sales.

With respect to the evidence submitted by the appellant, the township assessor noted seven comparables are of a dissimilar design when compared to the subject and six comparables are not riverfront properties. The assessor also indentified two comparables that are located in Lake County and eight comparables are located in different townships than the subject. The assessor also submitted information showing the taxpayer listed the subject property for sale during 2013 for prices of \$850,000 and \$1,299,000, respectively.

In support of the subject's assessment, the board of review submitted an analysis of six suggested comparable sales. Three comparables are located within the subject's township while three comparables are located in a different township within McHenry County. The comparables are riverfront properties like the subject. The comparables had varying degrees of similarity

and dissimilarity when compared to the subject in dwelling size and features. The comparables sold from July 2012 to November 2013 for prices ranging from \$350,000 to \$625,000 or from \$115.36 to \$206.75 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant argued the subject's listing price was irrelevant and criticized the comparables used by the board of review.

Conclusion of Law

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. 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 failed to meet this burden of proof and no reduction in the subject's assessment is warranted.

The parties submitted 18 suggested comparable sales for the Board's consideration. The Board finds neither party's comparables are particularly similar to the subject in terms of dwelling size, age, features and land area. Nevertheless, the Board is bound to make a decision based on the weight and equity of the evidence regardless of the quality of that evidence. The Board gave little weight to appellant's comparables. Seven comparables are of a dissimilar design when compared to the subject; all the comparables are considerably smaller in dwelling size when compared to the subject; and six comparables do not have river frontage, dissimilar to the subject. Finally, a majority of the appellant's comparables are located a considerable distance from the subject. The Board also gave less weight to four comparables submitted by the board of review due to their smaller dwelling sizes when compared to the subject.

The Board finds the best indicators of the subject's market value are board of review comparables #4 and #5. These comparables were more similar to the subject in riverfront setting, size, design and features. These most similar comparables sold for prices of \$605,150 to \$625,000 or \$146.77 and \$156.09 per square foot of living area including land. The

subject's assessment reflects a market value of \$330,399 or \$64.39 per square foot of living area including land, which is far less than the most similar comparable sales contained in this record. Furthermore, the Board finds the appellant listed the subject property for sale during the 2013 tax year for offering prices of \$850,000 and \$1,299,000, respectively. This evidence further undermines the appellant's argument that the subject's assessment is not reflective of fair market value. Moreover, the Board finds the credible market value evidence contained in this record demonstrates the subject property is under-assessed. Based on this analysis, the Board no reduction in the subject's assessment 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.

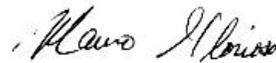
Chairman



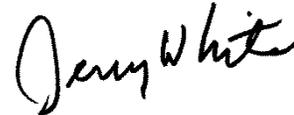
Member



Member



Member



Acting 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: June 26, 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.