



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

APPELLANT: American Homes 4 Rent
DOCKET NO.: 15-02686.001-R-1
PARCEL NO.: 09-20-179-026

The parties of record before the Property Tax Appeal Board are American Homes 4 Rent, the appellant, by attorney Michael R. Davies of the Law Offices of Michael R. Davies, Ltd., in Oak Lawn; and the DeKalb County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds No Change in the assessment of the property as established by the **DeKalb** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 8,355
IMPR.: \$37,652
TOTAL: \$46,007

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DeKalb County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 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 that has 2,152 square feet of living area. The dwelling was built in 2008. The home features a full unfinished basement, central air conditioning and a garage. The subject property is located in Cortland Township, DeKalb County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal.¹ In support of this argument, the appellant partially completed Section IV of the residential appeal petition. The appeal petition depicts the subject sold for "90.5k" in November 2014. The appeal petition did not identify the seller; if the sale involved family or related parties; or if the property was advertised, and if so, how long of a period. The appellant

¹ The appellant also marked assessment inequity on the appeal petition as an alternative basis of the appeal. However, the appellant did not submit any evidence to support this contention.

did not submit the sales contract, settlement statement or Real Estate Transfer Declaration (PTAX-203) associated with the sale of the subject property. The appellant did submit a copy of the "unofficial" Sheriff's Deed associated with the sale of the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$46,007. The subject's assessment reflects an estimated market value of \$138,035 or \$64.14 per square foot of living area including land when applying the statutory level of assessment of 33.33%. In support of the subject's assessment, the board of review submitted a letter addressing the appeal and three comparable sales.

The board of review argued the subject's sale should not be considered an arm's-length transaction due to a lack of exposure in the market place to members of the general public; Sheriff's sales are limited to cash purchases without normal purchasing contingencies; Sheriff sale procedures are complex and not familiar to the general public; and Sheriff sale events are usually only attended by a small number of investor purchasers who only purchase at below market prices.

The comparable sales consist of two-story dwellings that were built in 2008 or 2009. Features had varying degrees of similarity when compared to the subject. The dwellings contain 2,152 square feet of living area. The comparables sold from May 2014 to June 2015 for prices ranging from \$150,000 to \$154,500 or from \$69.70 to \$71.79 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The Board gave little weight to the subject's sale price. The Board finds the appellant failed to identify the seller; if the sale involved family or related parties; or if the property was advertised for sale in the open market. Furthermore, the board of review refuted the arm's-length nature of the subject's transaction due to the fact the purchase involved a Sheriff's sale, which was not rebutted by the appellant. Finally, the appellant did not submit the sales contract, settlement statement or Real Estate Transfer Declaration (PTAX-203) associated with the sale of the subject property, which further detracts from the weight of the evidence.

The board of review submitted three comparables sales to support its assessment of the subject property. The Board gave less weight to comparable #1 due to its inferior concrete slab foundation when compared to the subject. The Board finds comparables #2 and #3 were more similar when compared to the subject in design, age, dwelling size and features. The comparables sold in September 2014 and June 2015 for prices of \$154,000 and \$154,500 or

\$71.56 and \$71.79 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$138,035 or \$64.14 per square foot of living area including land, which is considerably less than the most similar comparable sales contained in the record. This evidence further demonstrates the subject's sale price was not reflective of market value. Based on this analysis, the Board finds 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: _____

CERTIFICATION

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: December 23, 2016



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.