



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

APPELLANT: AMH 2015-2 Borrower LLC AT
DOCKET NO.: 16-00576.001-R-1
PARCEL NO.: 06-03-32-204-012-0000

The parties of record before the Property Tax Appeal Board are AMH 2015-2 Borrower LLC AT, the appellant, by attorney Michael R. Davies of Ryan Law LLP in Chicago; and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$15,894
IMPR.: \$52,716
TOTAL: \$68,610

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 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 exterior construction with 1,954 square feet of living area. The dwelling was constructed in 1999. Features of the home include a full basement, central air conditioning and a 560 square foot garage. The property has a 12,700 square foot site and is located in Plainfield, Plainfield Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant disclosed in Section IV – Recent Sale Data of the appeal that the subject property was purchased from the Will County Sheriff in December 2014 for a price of \$164,361. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$68,610. The subject's assessment reflects a market value of

\$206,284 or \$105.57 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Will County of 33.26% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$52,716 or \$26.98 per square foot of living area.

Initially in response to the appeal, the board of review requested dismissal of the appeal since the appellant failed to comply with the Property Tax Appeal Board's request for additional information. (Citing 86 Ill.Admin.Code §§1910.30(k) and 1910.63(b)). Furthermore, since the incomplete checklist suggested that the sale of the subject property was "too old" to be indicative of market value, the board of review contended in the alternative that the sale price provided by the appellant should be given no weight.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales that are located in the same subdivision as the subject property. The comparables are improved with two-story frame dwellings that were built in 1999 or 2000. The homes each contain 1,954 square feet of living area and feature full basements, central air conditioning and a 560 square foot garage. The sales occurred from March 2015 to July 2016 for prices of \$232,000 and \$235,000 or \$118.73 and \$120.27 per square foot of living area, including land. These comparables have improvement assessments of \$52,716 and \$54,424 or \$26.98 and \$27.85 per square foot of living area.

Based on this evidence, the board of review requested the subject's total assessment be increased to \$77,333 with an improvement assessment of \$61,439 or \$31.44 per square foot of living area based on the "median sale per square foot" of the comparables presented.

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 parties submitted evidence of the subject's 2014 sale price and three comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board finds the best evidence of market value in the record to be the three comparable sales submitted by the board of review. These comparables are identical to the subject in dwelling size and design and similar to the subject in location, age and most features. These properties sold proximate in time to the assessment date at issue. The comparables sold from March 2015 to July 2016 for prices of \$232,000 and \$235,000 or \$118.73 and \$120.27 per square foot of living area, including land. The subject's assessment reflects a market value of \$206,284 or \$105.57 per square foot of living area, including land, which falls below the comparable sales in this record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the estimated market value as reflected by the assessment is supported.

The Board gave little weight to the subject's sale due to the fact the sale did not occur as proximate in time to the assessment date at issue as did the comparable sales submitted by the board of review. Furthermore, the appellant failed to fully complete Section IV – Recent Sale Data of the appeal and provide evidence demonstrating the purchase had the elements of an arm's-length transaction. Moreover, given that the seller was reportedly the Will County Sheriff there may have been duress involved in the transaction. Based on this record, the Board finds a reduction in the subject's assessment based on overvaluation is not justified.

As to the board of review request to increase the subject's assessment based upon the median of the three recent sales, the Property Tax Appeal Board finds that the subject's current improvement assessment is identical to two of the board of review comparable properties. The Will County Board of Review has requested an increase in the subject's improvement assessment to \$61,439 which would be \$31.44 per square foot of living area, which is greater than the per-square-foot improvement assessments of each of the board of review comparables. The Board finds an increase in the assessment as requested by the board of review is not justified based on principles of uniformity when comparing the requested assessment to the assessments of the comparables submitted by the board of review. Based on this record, the Property Tax Appeal Board finds a change 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman



Member



Member

Member



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: October 15, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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