



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

APPELLANT: AMH 2015-1 Borrower LLC AT
DOCKET NO.: 16-00578.001-R-1
PARCEL NO.: 06-03-32-204-029-0000

The parties of record before the Property Tax Appeal Board are AMH 2015-1 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 an increase 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.: \$56,160
TOTAL: \$72,054

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 2,160 square feet of living area. The dwelling was constructed in 2002. Features of the home include central air conditioning and a 400 square foot garage. The property has a 9,200 square foot site and is located in Plainfield Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant partially completed Section IV of the Residential Appeal petition indicating the subject property was purchased in October 2013 from the Will County Sheriff for a price of \$114,100. 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 \$52,046. The subject's assessment reflects a market value of \$156,482 or \$72.45 per square foot of living area including land when applying 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 \$36,152 or \$16.74 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 located in the same neighborhood as the subject. The evidence was prepared by the township assessor. The comparables consist of two-story dwellings of frame exterior construction that were built in 1999 or 2002. The dwellings have 2,086 or 2,160 square feet of living area and are situated on sites that contain from 7,800 to 12,000 square feet of land area. Each comparable has central air conditioning and garage with either 380 or 590 square feet of building area. One comparable has a fireplace. The comparables sold from May 2015 to August 2016 for prices ranging from \$212,000 to \$228,500 or from \$101.63 to \$109.54 per square foot of living area including land. These comparables have improvement assessments of \$53,338 and \$57,523 or \$25.57 and \$26.63 per square foot of living area.

Based on this evidence, the board of review requested the subject's total assessment be increased to \$74,325 with an improvement assessment of \$58,431 or \$27.05 per square foot of living area based on the "the median sale price 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 a reduction in the subject's assessment is not warranted.

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 were similar to the subject in location, style, construction, features and/or age. These properties also sold proximate in time to the assessment date at issue as compared to the 2013 sale of the subject property. The comparables sold from May 2015 to August 2016 for prices ranging from \$212,000 to \$228,500 or from \$101.63 to \$109.54 per square foot of living area, including land. The subject's assessment reflects a market value of \$156,482 or \$72.45 per square foot of living area, including land, which is below the range established by the best comparable sales in this record.

The Board gave little weight to the subject's October 2013 sale due to the fact the sale did not occur proximate in time to the assessment date at issue of January 1, 2016 and there was no evidence presented by the appellant that the sale transaction had any of the elements of an arm's length transaction as there was no indication if the property sold between related parties; there was no indication whether the property was advertised or exposed on the open market prior to the sale; and/or there was no evidence whether the transaction occurred between a willing seller and a willing buyer. Furthermore, the fact that the seller was "Will County Sheriff" suggests that there was some coercion in the sale of the property.

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 less than the board of review comparable sales. The Will County Board of Review has requested an increase in the subject's improvement assessment to \$58,439 which would be \$27.06 per square foot of living area, which is slightly above the per-square-foot improvement assessments of each of the board of review comparable sales.

However, on this record, after considering adjustments for differences between the subject and the board of review comparables, the Property Tax Appeal Board finds that an increase in the assessment of the subject property 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. 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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