



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

APPELLANT: AH4R IL LLC
DOCKET NO.: 16-00589.001-R-1
PARCEL NO.: 05-06-107-012-0000

The parties of record before the Property Tax Appeal Board are AH4R IL LLC, 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: \$12,250
IMPR.: \$40,350
TOTAL: \$52,600

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 1,850 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full basement, central air conditioning and a 440 square foot garage. The property has an 8,090 square foot site and is located in Troy 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 December 2012 from "First National Bank of" for a price of \$146,000. 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 \$52,600. The subject's assessment reflects a market value of \$158,148 or \$85.49 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 \$40,350 or \$21.81 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.

In further support of its contention of the correct assessment, the board of review submitted information on four comparable sales located in the same neighborhood as the subject. The evidence was prepared by the township assessor. The comparables consist of one, part two-story and part one-story dwelling and three, two-story dwellings of frame or frame and brick trim exterior construction that were built from 2003 to 2007. The dwellings contain either 1,809 or 1,850 square feet of living area and are situated on sites that range in size from 9,231 to 16,535 square feet of land area. Each comparable has central air conditioning and a garage with either 440 or 484 square feet of building area. Two comparables each have a fireplace. The comparables sold from September 2014 to May 2015 for prices ranging from \$169,000 to \$199,900 or from \$91.35 to \$108.05 per square foot of living area, including land. These comparables have improvement assessments ranging from \$40,100 to \$47,100 or from \$21.68 to \$26.04 per square foot of living area.

Based on this evidence, the board of review requested the subject's total assessment be increased to \$54,528 with an improvement assessment of \$42,278 or \$22.85 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 parties submitted evidence of the subject's December 2012 sale price and four comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board gave little weight to the subject's December 2012 sale due to the fact the sale did not occur as proximate in time to the assessment date at issue of January 1, 2016 as did the comparable sales in the record. In addition, 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.

The Board gave less weight to board of review comparable #3 based on its considerably larger lot size. The Board finds the best evidence of market value in the record to be the remaining three comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, dwelling size, construction, features and/or age. These properties also sold more proximate in time to the assessment date at issue as compared to the 2012 sale of the subject property. The comparables sold from September 2014 to May 2015 for prices ranging from \$169,000 to \$189,900 or from \$91.35 to \$103.37 per square foot of living area, including land. The subject's assessment reflects a market value of \$158,148 or \$85.49 per square foot of living area, including land, which is below the range established by the best 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.

As to the board of review request to increase the subject's assessment based upon the median sale price of the recent sales, the Property Tax Appeal Board finds that the subject's current improvement assessment falls within the range of the board of review comparable sales. 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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