



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

APPELLANT: AMH 2015-2 Borrower LLC
DOCKET NO.: 16-00744.001-R-1
PARCEL NO.: 06-03-33-302-093-0000

The parties of record before the Property Tax Appeal Board are AMH 2015-2 Borrower 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: \$13,636
IMPR.: \$46,502
TOTAL: \$60,138

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 1,575 square feet of living area. The dwelling was constructed in 1999. Features of the home include a partial basement, central air conditioning and a 420 square foot garage. The property has a 9,100 square foot site. The subject property 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 2014 from the Will County Sheriff for a price of \$118,000. The appeal was returned for being incomplete. Appellant's legal counsel was required to complete section IV of the appeal petition and submit corroborating evidence pertaining to the subject's sale. Appellant's counsel failed to respond by the established deadline. Nonetheless, the appeal was accepted and the board of review was simultaneously, but separately, notified of its duty to

respond to the appeal within 90 days. Based on this limited recent sale evidence, the appellant requested a reduction in the subject's assessment to reflect the 2014 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$60,138. The subject's assessment reflects a market value of \$180,812 or \$114.80 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.

In response to the appeal, the board of review through the township assessor requested dismissal of the appeal since the appellant failed to comply with the Property Tax Appeal Board's request for additional information. Furthermore, the township assessor argued the subject's was too old to be considered a "recent sale."

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located within the subject's neighborhood. The evidence was prepared by the township assessor. The comparables consist of two-story dwellings of frame exterior construction that were built from 1996 to 2000. The dwellings contain 1,583 or 1,600 square feet of living area and are situated on sites that contain 7,500 or 13,500 square feet of land area. Features include full or partial basements, central air conditioning and garages that contain 400 or 420 square feet of building area. The comparables sold in July or September of 2015 for prices ranging from \$196,000 to \$214,900 or from \$123.82 to \$134.31 per square foot of living area including land.

Based on this evidence, the board of review requested an increase in the assessment of the subject property to reflect the median sales price of its comparable sales of \$125.71 per square foot of living area including land, which reflects a market value of \$197,993 or a total assessment of \$65,998.

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 no weight to the subject's October 2014 sale. The Board finds there was no evidence presented by the appellant that the sale meets the key fundamental elements of an arm's-length transaction to be considered reflective of market value. The appellant's attorney failed to disclose if the property sold between related parties; there was no indication whether the property was advertised or exposed to the open market prior to the sale; and there was no evidence whether the transaction occurred between a willing seller and a willing buyer. In addition, the appellant's attorney failed to submit any corroborating evidence associated with the sale of the subject property such as a Real Estate Transfer Declaration, Settlement Statement or sales contract disclosing the terms of the sale. Finally, the Board finds the subject's sale in

October 2014 is dated in that the transaction did not occur proximate in time to the assessment date of January 1, 2016 as did the similar comparable sales that were submitted by the board of review.

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, design, age, dwelling size and most features. In addition, these properties sold more proximate in time to the assessment date at issue than the October 2014 sale of the subject property. The comparables sold in July or September of 2015 for prices ranging from \$196,000 to \$214,900 or from \$123.82 to \$134.31 per square foot of living area including land. The subject's assessment reflects a market value of \$180,812 or \$114.80 per square foot of living area, including land, which falls below the range established by the best comparable sales in this record.

The board of review requested to increase the subject's assessment based upon the median per square foot sale price of the three comparable sales. The Property Tax Appeal Board finds the subject's current improvement assessment of \$46,502 is the same or lower than the board of review comparables that have improvement assessments of \$46,502 or \$51,205. Although the Will County Board of Review requested to increase the subject's total assessment to \$65,998, the Board finds the increase would result in an inequitable improvement assessment for the subject property of \$52,362. As depicted in the board of review's comparative grid analysis, each of the three comparable sales is under-assessed in relation to their respective recent sales prices.

Based this analysis, the Property Tax Appeal Board finds no increase in the subject's assessment is justified for this instant appeal.

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: August 20, 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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