



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

APPELLANT: AMH 2014-2 Borrower LLC  
DOCKET NO.: 16-00748.001-R-1  
PARCEL NO.: 05-06-04-302-062-0000

The parties of record before the Property Tax Appeal Board are AMH 2014-2 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 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:** \$15,500  
**IMPR.:** \$55,550  
**TOTAL:** \$71,050

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 part one-story and part two-story dwelling of frame and brick exterior construction with 2,168 square feet of living area. The dwelling was constructed in 2006. Features include a partial basement, central air conditioning and a 441 square foot garage. The subject property has a 9,728 square foot site. The subject property 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 September 2013 from "US BANK TRUS NA AS" for a price of \$190,000. The appeal was returned for being incomplete. Appellant's legal counsel was informed the subject's sale may be "too old for Recent Sale consideration" and to provide an alternative basis of the appeal with supporting evidence within 30 days. 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 2013 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$70,050. The subject's assessment reflects a market value of \$210,163 or \$97.15 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.

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 part one-story and part two-story dwellings of brick and frame exterior construction that were built in 2006 or 2007. The dwellings contain 2,168 square feet of living area and are situated in sites that contain from 8,873 to 10,821 square feet of land area. Features include partial basements, central air conditioning and garages that contain 441 square feet of building area. The comparables sold from April 2014 to May 2016 for prices ranging from \$229,900 to \$238,750 or from \$106.04 to \$110.12 per square foot of living area including land. Based on this evidence, the board of review requested an increase 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 no weight to the subject's September 2013 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 September 2013 is dated in relation to the January 1, 2016 assessment date.

With respect to the comparable sales submitted by the board of review, the Board gave less weight to comparable #1 due to its April 2014 sale date, which is dated and less indicative of market value as of the subject's January 1, 2016 assessment date. The Board finds the best evidence of market value to be the two remaining comparable sales submitted by the board of review. These comparables were similar if not identical to the subject in location, land area, design, age, dwelling size, features and sold more proximate in time to the assessment date at issue. The comparables sold in September 2015 and May 2016 for prices of \$233,000 and \$238,750 or \$107.47 and \$110.12 per square foot of living area including land. The subject's assessment reflects a market value of \$210,163 or \$97.15 per square foot of living area including land, which is less than the most similar comparable sales contained in this record. This unrefuted evidence shows the subject property is under-assessed.

With respect to the board of review request to increase the subject's assessment based upon the recent comparable sales, the Property Tax Appeal Board finds that the subject's current improvement assessment of \$54,500 is less than the two most similar board of review comparable sales that have improvement assessments of \$55,837 and \$55,050, respectively. 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 justified.

The supreme court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The court in Apex Motor Fuel further stated:

"the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test.[citation.]" Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the supreme court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21. The Board finds the increase in the subject's assessment results in similar properties of similar market value being assessed at a consistent level.

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.

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Chairman



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Member



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Member

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Member



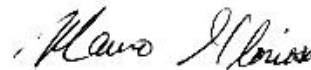
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Member

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



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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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