



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

APPELLANT: American Homes 4 Rent Pro
DOCKET NO.: 16-00849.001-R-1
PARCEL NO.: 06-03-30-306-010-0000

The parties of record before the Property Tax Appeal Board are American Homes 4 Rent Pro, 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: \$11,730
IMPR.: \$43,130
TOTAL: \$54,860

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 1,668 square feet of living area. The dwelling was constructed in 2001. Features of the home include a partial basement, central air conditioning and a 420 square foot garage. The property has a 6,800 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 partially completed Section IV of the Residential Appeal petition indicating the subject property was purchased in November 2014 from the Will County Sheriff for a price of \$151,301. The appeal was returned for being incomplete. Appellant's legal counsel was advised the November 2014 sale was too old for a "Recent Sale" consideration and to provide an alternative basis of the appeal with corroborating evidence. 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 \$54,860. The subject's assessment reflects a market value of \$164,943 or \$98.89 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.

Initially in response to the appeal, the board of review and township assessor 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 identified by the township assessor improved with two-story dwellings of frame construction ranging in size from 1,621 to 1,966 square feet of living area that were located less than a mile of the subject property. The dwellings were constructed in 2001 or 2003 with features that include full or partial basement, central air conditioning and a garage ranging in size from 399 to 484 square feet of building area. Two comparables also have a fireplace. These properties sold from October 2015 to August 2016 for prices ranging from \$195,000 to \$218,000 or from \$110.89 to \$123.32 per square foot of living area, land included.

Based on the foregoing evidence and argument, the board of review requested an increase in the assessment of the subject property to reflect the median sales price or a new total assessment of \$65,002.

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 gave no weight to the subject's November 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. The evidence also disclosed the property sold by the Will County Sheriff, which calls into question the arm's-length nature of the transaction. 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 November 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 features. Moreover, they sold more proximate in time to the assessment date at issue than the November 2014 sale of the subject property. The comparables sold from October 2015 to August 2016 for prices ranging from \$195,000 to \$218,000 or from \$110.89 to \$123.32 per square foot of living area, land included. The subject's assessment reflects a market value of \$164,943 or \$98.89 per square foot of living area including land, which falls below the range established by the best comparable sales in this record. Therefore, no reduction in the subject's assessment is 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 the subject's current total assessment of \$54,860 is below the range of the total assessments of the board of review comparable sales. Although the Will County Board of Review has requested an increase in the subject's total assessment to \$65,002 which would raise the estimated market value of the subject to \$195,436 this would place the subject substantially above the estimated market value of two of the three comparables presented by the board of review as depicted in the grid analysis; the comparables have estimated market values based upon their assessments ranging from \$176,058 to \$199,005. As is depicted in the grid analysis, two of these comparable sales are under-valued based upon their respective recent sales prices.

On this record, the Property Tax Appeal Board finds that the subject is not overvalued and no reduction 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: September 17, 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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