



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

APPELLANT: AMH 2014-2 Borrower LLC
DOCKET NO.: 16-00884.001-R-1
PARCEL NO.: 06-03-36-402-019-0000

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 **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: \$14,484
IMPR.: \$58,759
TOTAL: \$73,243

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 single-family dwelling of frame exterior construction with 2,476 square feet of living area.¹ The dwelling is approximately 18 years of age. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a garage containing 400 square feet of building area. The property has a 9,700-square foot site and is located in Crest Hill, Plainfield Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted limited evidence in Section IV – Recent Sale Data of the Residential Appeal petition disclosing the subject property was purchased in September 2013 from "Sheriff of Will County" for a price of \$144,001. While the appellant was requested to provide additional information to

¹ The appellant did not provide any description of the property. The description of the subject was gleaned from the evidence provided by the board of review.

complete the appeal, by letter dated November 27, 2017 by the Property Tax Appeal Board, 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 \$73,243. The subject's assessment reflects a market value of \$220,213 or \$88.94 per square foot of living area, land included, when using the 2016 three-year average median level of assessments of 33.26% as determined by the Illinois Department of Revenue.

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 addition, the board of review submitted a brief prepared by the Plainfield Township Assessor contesting the validity of the subject's sale due to the old sale date in relation to the assessment date.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located less than one mile from the subject and within the same neighborhood code as defined by the local assessor. The comparables are improved with two-story single-family dwellings of frame exterior construction ranging in size from 2,238 to 2,316 square feet of living area. The dwellings range in age from 16 to 18 years old. The comparables feature full or partial unfinished basements and central air-conditioning; one comparable has a fireplace and each one has a garage ranging in size from 420 to 441 square feet of building area. The comparables have sites ranging from 8,500 to 12,600 square feet of land area. The comparables sold from February 2015 to March 2016 for prices ranging from \$219,000 to \$255,000 or from \$95.42 to \$110.10 per square foot of living area, including land. The board of review also submitted property record cards for the subject and the three comparables.

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 \$84,820 which would reflect a market value of \$255,021 or \$103.00 per square foot of living area, including land.

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 little weight to the subject's September 2013 sale due to lack of information having been provided by the appellant regarding the sale to allow Property Tax Appeal Board to conduct a meaningful analysis of the sale; 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. In fact, the information that the property was sold by "Sheriff of Will County" suggests that there may have been duress involved in the transaction. Furthermore, the sale of the subject property occurred in September 2013 which is too remote in time from the subject's assessment date of January 1, 2016 to be reflective of market value.

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, dwelling size, age and features. These properties also sold more proximate in time to the assessment date at issue. The comparables sold from February 2015 to March 2016 for prices ranging from \$219,000 to \$255,000 or from \$95.42 to \$110.10 per square foot of living area, including land. The subject's assessment reflects a market value of \$220,213 or \$88.94 per square foot of living area, land included, which is within the range established by the most similar comparable sales in this record on an overall value basis and slightly below the range on a per square foot basis which appears to be logical given the subject's larger dwelling size when compared to these comparable dwellings.

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 improvement assessment of \$58,759 is higher than the improvement assessments of the three board of review comparable sales. However, the higher improvement assessment also seems justified given the subject's larger dwelling size.

After considering adjustments to the comparables for differences in size of living area, land size and some features when compared to the subject, the Board finds that the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued. Therefore, the Board finds that the subject's estimated market value as reflected by its assessment is supported, and neither a reduction nor an increase in the subject's assessment 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: 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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