



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

APPELLANT: AMH 2015-2 Borrower LLC
DOCKET NO.: 16-00938.001-R-1
PARCEL NO.: 06-03-01-301-112-0000

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: \$ 5,224
IMPR.: \$29,865
TOTAL: \$35,089

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 duplex dwelling of frame construction with 1,382 square feet of living area. The dwelling was constructed in 1996. Features of the home include a concrete slab foundation, central air conditioning and a 220 square foot garage. The property has a 4,000 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 submitted limited evidence in Section IV – Recent Sale Data of the Residential Appeal petition disclosing the subject property was purchased in April 2014 from "Will County Sheriff" for a price of \$72,601. While the appellant was requested to provide additional information to complete the appeal, by letter dated August 10, 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 2014 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,089. The subject's assessment reflects a market value of \$105,499 or \$76.34 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 the township assessor both 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 noted the sale of the subject property that occurred in April 2014 was "too old" and should be given no weight in determining market value.

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 duplex dwellings of frame construction each containing 1,382 square feet of living area that were located within the subject's neighborhood code as assigned by the assessor. The dwellings were constructed in 1995 or 1996 with features that include a concrete slab foundation, central air conditioning and a 220 square foot garage. One comparable also has a fireplace. These properties sold from September 2015 to January 2016 for prices ranging from \$129,000 to \$150,000 or from \$93.34 to \$108.54 per square foot of living area, including land.

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 \$46,334 which would reflect a market value of \$139,308 or \$100.80 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 parties submitted evidence of the subject's 2014 sale price and three comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board gave little weight to the subject's April 2014 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. Furthermore, with the seller being the "Will County Sheriff" the record suggests there was duress involved in the transaction.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, construction, size, features and/or age. These properties also sold more proximate in time to the assessment date at issue than the April 2014 sale of the subject property. The comparables sold from September 2015 to January 2016 for prices ranging from \$129,000 to \$150,000 or from \$93.34 to \$108.54 per square foot of living area, including land. The subject's assessment reflects a market value of \$105,499 or \$76.34 per square foot of living area, including land, which is below the range of the comparable sales both in terms of overall value and on a per-square-foot basis.

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 \$35,089 is identical to the total assessments of the board of review comparable sales. While the Will County Board of Review has requested an increase in the subject's total assessment to \$46,334 which would raise the estimated market value of the subject to \$139,308, this would place the subject substantially above the estimated market values of the three comparables as reflected by their assessments. As presented by the board of review, the estimated market values of the comparables are each identical to the subject's current estimated market value based upon its assessment; from the record, it appears that the comparable properties are undervalued based on their respective recent sale prices.

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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

AMH 2015-2 Borrower LLC, by attorney:
Michael R. Davies
Ryan Law LLP
311 South Wacker Drive
Mailbox #29
Chicago, IL 60606

COUNTY

Will County Board of Review
Will County Office Building
302 N. Chicago Street
Joliet, IL 60432