



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

APPELLANT: AMH 2015-2 Borrower LLC A
DOCKET NO.: 16-00939.001-R-1
PARCEL NO.: 05-06-03-116-022-0000

The parties of record before the Property Tax Appeal Board are AMH 2015-2 Borrower LLC A, 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: \$12,450
IMPR.: \$48,850
TOTAL: \$61,300

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 two-story and part one-story dwelling of frame construction with 1,652 square feet of living area. The dwelling was constructed in 2004. Features of the home include a crawl-space foundation, central air conditioning, a fireplace and a 440 square foot garage. The property has a 9,124 square foot site and is located in Joliet, Troy 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 July 2014 from "Will County Sheriff" for a price of \$120,000. 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 \$61,300. The subject's assessment reflects a market value of \$184,305 or \$111.56 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, both the board of review and 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. The township assessor further contended that the 2014 sale was "too old" to be indicative of estimated market value.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales identified by the township assessor improved with part two-story and part one-story dwellings of frame exterior construction each of which contains 1,652 square feet of living area that were located in the subject's subdivision. The dwellings were constructed between 1998 and 2005 with features that include either a full basement or a crawl-space foundation, central air conditioning and a 440 square foot garage. Three of the comparables also each have a fireplace. These properties sold from December 2014 to July 2015 for prices ranging from \$180,000 to \$215,000 or from \$108.96 to \$130.15 per square foot of living area, including land.

The township assessor also contended based on data found on the internet that the subject property "is rented out and is producing income at a rate of \$1,750 per month."¹

Based on the foregoing evidence and argument, the board of review requested an increase in the assessment of the subject property to \$64,152 which would reflect a market value of \$192,880 or \$116.76 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 data concerning the sale of the subject and four comparable sales to support their respective positions before the Property Tax Appeal Board.

¹ There was no income approach analysis performed to support this assertion. Furthermore, the courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. (Chrysler Corporation v. Property Tax Appeal Board, 69 Ill. App. 3d 207 (2nd Dist. 1979))

The Board gave little weight to the subject's July 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 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 "Will County Sheriff" suggests that there may have been duress involved in the transaction.

The Board has also given reduced weight to board of review comparables #3 and #4 as these dwellings each feature a full basement as compared to the subject's crawl-space foundation.

The Board finds the best evidence of market value in the record to be comparable sales #1 and #2 submitted by the board of review. These comparables were similar to the subject in location and age and were identical to the subject in size, style, construction and most features. These properties also sold proximate in time to the assessment date at issue. These comparables sold in December 2014 and July 2015 for prices of \$180,000 and \$193,000 or for \$108.96 and \$116.83 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$184,305 or \$111.56 per square foot of living area, including land, which is between the two best comparable sales in this record in terms of both overall value and on a per-square-foot basis.

As to the board of review request to increase the subject's assessment, the Property Tax Appeal Board finds the subject's current improvement assessment of \$48,850 is within the range of the improvement assessments of the best board of review comparable sales which range from \$46,400 to \$55,900. As depicted in the grid analysis, the comparables have estimated market values ranging from \$176,550 to \$205,050. The subject currently has an estimated market value based on its assessment of \$184,305 which falls within the range of the comparables presented by the Will County Board of Review. As depicted in the grid analysis, two of the four comparable properties appear to be under-valued based upon their respective assessments as compared to their recent purchase 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 A, 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