



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

APPELLANT: AMH 2015-2 Borrower LLC A
DOCKET NO.: 16-01005.001-R-1
PARCEL NO.: 05-06-03-107-038-0000

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.: \$46,400
TOTAL: \$58,850

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 is improved with a part two-story and part one-story single-family dwelling of frame construction with 1,652 square feet of living area. The dwelling was constructed in 2003. Features of the home include a crawl space foundation, central air conditioning, and a two-car attached garage with 440 square feet of building area. The property has a 10,001 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 disclosed in Section IV – Recent Sale Data of the appeal that the property was purchased from the Sheriff of Will County in September 2014 for a price of \$106,261. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$35,420.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$58,850. The subject's assessment reflects a market value of \$176,939 or \$101.11 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. The subject has an improvement assessment of \$46,400 or \$28.09 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located in the same subdivision as the subject property that are improved with part two-story and part one-story dwellings that have 1,652 square feet of living area. The dwellings were built from 1998 to 2005 and are of frame or frame and brick trim construction. Three comparables have a full basement, each property has central air conditioning, three comparables each have one fireplace and each comparable has an attached two-car garage with 440 square feet of building area. The sales occurred from April 2015 to August 2015 for prices ranging from \$183,500 to \$215,000 or from \$111.08 to \$130.15 per square foot of living area, including land. The comparables have total assessments ranging from \$58,850 to \$68,350 and improvement assessments ranging from \$46,400 to \$55,900 or from \$28.09 to \$33.84 per square foot of living area.

Based on this evidence the board of review requested the subject's total assessment be increased to \$64,827 and the improvement assessment be increased to \$52,377 or \$31.71 per square foot of living area.

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 finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables are similar to the subject in location, style, size, construction, age and features with the exception three have full basements and a fireplace while the subject has a crawl space foundation and no fireplace. These properties sold proximate in time to the assessment date at issue for prices ranging from \$183,500 to \$215,000 or from \$111.08 to \$130.15 per square foot of living area, including land. The subject's assessment reflects a market value of \$176,939 or \$101.11 per square foot of living area, including land, which is below the range established by the board of review comparable sales demonstrating the subject property is not overvalued. The Board gives little weight to the subject's sale due to the fact the sale did not occur as proximate in time to the assessment date at issue as did the sales provided by the board of review. Additionally, the appellant failed to provide evidence demonstrating the purchase had the elements of an arm's length transaction. The appellant disclosed the subject property was purchased from the Sheriff of Will County suggesting to this Board that the sale was not an arm's length transaction. Based on this record the Board finds a reduction in the subject's assessment based on overvaluation is not justified.

The Board denies the board of review request to increase the subject's assessment as the evidence disclosed there exists a practical uniformity of assessments between the comparables presented by the board of review and the subject property. (See Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960)). Board of review comparable #2 is practically identical to the subject dwelling with frame construction, a crawl space foundation and no fireplace. This property has a total assessment of \$58,850 and an improvement assessment of \$46,400 or \$28.09 per square foot of living area, identical to the subject's assessment. Increasing the subject's assessment as requested by the board of review would result in an inequitable assessment of the subject property in contrast with the assessments of the comparables provided by the board of review.

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

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