



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

APPELLANT: AMH 2015 1 & Borrower LLC
DOCKET NO.: 16-05381.001-R-1
PARCEL NO.: 19-28-252-049

The parties of record before the Property Tax Appeal Board are AMH 2015 1 & Borrower LLC, the appellant, by attorney Michael R. Davies of the Law Offices of Michael R. Davies, Ltd. in Oak Lawn; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$8,913
IMPR.: \$35,851
TOTAL: \$44,764

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the McHenry 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 Diamond Model townhome of frame exterior construction with 1,735 square feet of living area. The dwelling was constructed in 1995. Features of the home include central air conditioning and a 400 square foot garage. The property has a .038 of an acre site and is located in Windstone Crossing subdivision, Lake in the Hills, Algonquin Township, McHenry County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation claim, the appellant submitted limited descriptive information for eight comparable properties that were reported to be located from .03 to .16 of a mile from the subject property. However comparable #1 is the subject property. The comparables consist of one-story or two-story dwellings ranging in size from 1,482 to 1,735 square feet of living area. The dwellings were built in 1995 or 1996 and have sites ranging in

size from 1,354 to 2,215 square feet of land area. The Board requested that the appellant complete the grid analysis in Section V of the appeal petition. The appellant failed to comply with the Board's request and failed to disclose the comparables' exterior construction, specific design, foundation type and features such as central air conditioning, fireplaces and garages. The comparables sold from June 2013 to June 2015 for prices ranging from \$92,000 to \$127,500 or from \$61.57 to \$86.03 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$44,764. The subject's assessment reflects a market value of \$134,467 or \$77.50 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for McHenry County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales located in the same subdivision as the subject. The comparables are Diamond Model townhomes of frame exterior construction with 1,735 square feet of living area. The dwellings were built in 1995 or 1996. The dwellings are situated on sites containing either .038 or .040 of an acre of land area. Each comparable has central air conditioning and a 400 square foot garage. The comparables sold from May 2015 to December 2015 for prices ranging from \$144,500 to \$154,000 or from \$83.29 to \$88.76 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 no reduction in the subject's assessment is warranted.

The record contains 12 comparable sales for the Board's consideration. The Board gave less weight to the comparables submitted by the appellant since the appellant's attorney failed to provide any specifics regarding the comparables' design, exterior construction, foundation type or features such as central air conditioning, fireplaces and garages for a comparative analysis, which detracts from the weight of the evidence. Additionally, four of the comparables sold in 2013 or 2014, which are dated and less reliable indicators of market value as of the January 1, 2016 assessment date. The Board finds the five comparables submitted by the board of review are most similar when compared to the subject in location, design, exterior construction, age, dwelling size and features. They sold from May 2015 to December 2015 for prices ranging from \$144,500 to \$154,000 or from \$83.29 to \$88.76 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$134,467 or \$77.50 per square foot of living area including land, which falls below the range established by the most similar comparable sales contained in the record. After considering adjustments to the comparables for

differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction 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: April 23, 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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COUNTY

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