



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

APPELLANT: AMH 2014 2 & Borrower LLC
DOCKET NO.: 16-05433.001-R-1
PARCEL NO.: 18-24-351-064

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 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: \$ 4,461
IMPR.: \$31,361
TOTAL: \$35,822

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 two-story dwelling of frame exterior construction that has 1,373 square feet of living area. The dwelling was constructed in 1993. Features include central air conditioning, a fireplace and a 437-square foot attached garage. The subject has a 2,499-square foot site. The subject property is located in Grafton 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 six suggested comparable properties that were located from .08 to .12 of a mile from the subject.¹ The comparables were reported to consist of two-story dwellings that were built in 1992. The appellant's attorney failed to disclose the comparables' exterior

¹ The Board requested the appellant to fully complete the grid analysis in Section V of the appeal petition. The appellant failed to comply with the Board's request.

construction, foundation type or features such as central air conditioning, fireplaces or garages. The dwellings contain 1,235 or 1,373 square feet of living area and have sites that range in size from 2,191 to 2,822 square feet of land area. The comparables sold from October 2012 to July 2014 for prices ranging from \$81,067 to \$106,000 or from \$59.04 to \$77.20 per square foot of living area including land. 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 \$35,822. The subject's assessment reflects an estimated market value of \$107,606 or \$78.37 per square foot of living area including land when applying the 2016 three-year average median level of assessment for McHenry County of 33.29%.

In support of the subject's assessment, the board of review submitted a detailed grid analysis identifying two comparable sales. The evidence was prepared by the township assessor. The comparables consist of two-story dwellings of frame exterior construction that were built in 1992. Features include a fireplace and a garage that contains 431 square feet of building area. The dwellings have 1,373 square feet of living area and are situated on "Standard" lots. The comparables sold in April and July of 2016 for prices of \$149,900 and \$150,000 or \$109.18 and \$109.25 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 eight comparable sales for the Board's consideration. The Board gave less weight to the comparables submitted by the appellant. Notwithstanding the lack of descriptive information of the comparables in terms of exterior construction, foundation type or features such as central air conditioning, fireplaces or garages for comparison to the subject, six of the comparables sold from 2012 to 2014, which are dated and less indicative of market value as of the subject's January 1, 2016 assessment date. The Board finds the comparables submitted by the board of review are more similar when compared to the subject in location, design, exterior construction, age, dwelling size and features. They sold in April and July of 2016 for prices of \$149,900 and \$150,000 or \$109.18 and \$109.25 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$107,606 or \$78.37 per square foot of living area including land, which is considerably less than the most similar comparable sales contained in the record.² Based on this record, the Board finds the appellant failed to demonstrate the subject property was overvalued based on a preponderance of the evidence in the record. Therefore, no reduction in the subject's assessment is warranted.

² This evidence suggests the subject property may be under-assessed. However, the board of review did not specifically request an increase in the subject's assessment.

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: June 18, 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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