



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

APPELLANT: AMH 2015 1 & Borrower LLC
DOCKET NO.: 16-05486.001-R-1
PARCEL NO.: 06-02-326-010

The parties of record before the Property Tax Appeal Board are AMH 2015 1 & 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: \$9,160
IMPR.: \$42,497
TOTAL: \$51,657

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 is improved with a two-story dwelling with a vinyl siding exterior containing 2,241 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full basement, central air conditioning, and an attached two-car garage with 420 square feet of building area. The property has a 10,566 square foot site and is located in Harvard, Dunham Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant partially completed Section V-Comparable Sales/Assessment Grid Analysis of the appeal form using four comparable sales. The sales occurred from June 2013 to May 2014 for prices ranging from \$130,000 to \$153,000.

The appellant's submission also included a listing of nine sales with minimal physical descriptive information about each property such as year built, number of bathrooms, living area and lot area. These properties sold from 2013 to 2015 with comparables 1 through 4 being duplicates of the previously described properties.

The appellant requested the assessment be reduced to \$18,167.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$51,657. The subject's assessment reflects a market value of \$155,173 or \$69.24 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 identified by the township assessor improved with part two-story dwellings ranging in size from 2,160 to 2,301 square feet of living area. The homes were built in 2005 and 2006. Each property has a basement, central air conditioning and an attached two-car or three-car garage ranging in size from 400 to 610 square feet of building area. Two comparables each have one fireplace. The comparables have sites ranging in size from 8,712 to 10,711 square feet of land area. The sales occurred from November 2015 to December 2016 for prices ranging from \$152,000 to \$175,000 or from \$69.64 to \$81.02 per square foot of living area, land included. The data provided by the board of review reported the subject property was purchased in May 2014 for a price of \$97,000 at a judicial sale. The board of review contends the sales identified by the assessor support an assessment increase.

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 to be the comparable sales submitted by the board of review. These dwellings had varying degrees of similarity to the subject property and sold more proximate in time to the assessment date than the sales provided by the appellant. These properties sold for prices ranging from \$152,000 to \$175,000 or from \$69.64 to \$81.02 per square foot of living area, including land. The subject's assessment reflects a market value of \$155,173 or \$69.24 per square foot of living area, including land, which is within the overall price range but slightly below the range established by the best comparable sales in this record on a per square foot basis. Little weight is given the appellant's comparable sales due to the lack of descriptive data about the style and features of each property, which would allow the Board to conduct a meaningful comparative analysis, as well as the fact that eight of the sales occurred in 2013 and 2014, not as proximate in time to the assessment date as the comparables provided by the board of review. Based on this evidence the Board finds a reduction in the subject's assessment is not appropriate.

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: February 18, 2020



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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APPELLANT

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