



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

APPELLANT: AMH 2015 2 & Borrower LLC
DOCKET NO.: 16-05489.001-R-1
PARCEL NO.: 19-28-251-066

The parties of record before the Property Tax Appeal Board are AMH 2015 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: \$7,672
IMPR.: \$33,549
TOTAL: \$41,221

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 townhouse of frame exterior construction with 1,617 square feet of living area. The dwelling was constructed in 1995. Features of the home include central air conditioning and a 235 square foot garage.¹ The property has a 1,400 square foot site and is located in Lake in the Hills, Algonquin Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a list of five comparable sales that sold from June 2013 to June 2015 for prices ranging from \$71,650 to \$122,500. The appellant provided no substantive descriptive

¹ Appellant's counsel provided virtually no information regarding the features of the subject property beyond its age and above-grade living area. Descriptive details concerning the subject were provided by the board of review with a property record card and are reflected in this decision.

information about the comparables other than that the dwellings were built in 1995 or 1996 and range in size from 1,464 to 1,735 square feet of above-grade living area.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$23,883 which would reflect a market value of \$71,650.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,221. The subject's assessment reflects a market value of \$123,824 or \$76.58 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 response to the appellant's evidence, the board of review incorrectly asserted that all of the appellant's sales occurred in 2013; the board of review apparently did not recognize that appellant's sale #5 occurred in June 2015 for a sale price of \$92,000.

In support of its contention of the correct assessment, the board of review through evidence gathered by the township assessor submitted information on four comparable sales each of which is located in the same neighborhood code assigned by the assessor as the subject property. The comparables consist of townhomes of frame exterior construction. The townhomes were built in 1995 or 1996 and range in size from 1,464 to 1,735 square feet of living area. Each comparable has central air conditioning and a garage of either 390 or 400 square feet of building area. Two of the comparables each have a fireplace. The comparables sold between May 2015 and May 2016 for prices ranging from \$135,900 to \$154,000 or from \$82.26 to \$96.99 per square foot of living area, including land.

Based on the foregoing 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 a reduction in the subject's assessment is not warranted.

The parties provided a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board finds that little weight shall be given to the appellant's evidence as it contained no substantive descriptive information about the dwellings to allow the Property Tax Appeal Board to conduct a meaningful comparative analysis of the comparable sales as compared to the subject property. Additionally, four of the appellant's comparables sold in 2013, not as proximate in time to the assessment date as the sales provided by the board of review. To the extent that appellant's comparable sale #5 occurred in June 2015 for a sale price of \$92,000, the Board has given reduced weight to this reported sale as it appears to be an outlier based on the entire record of sales of similar properties that sold in 2015.

The Board finds the best evidence of market value to be the board of review comparable sales. These comparables were similar to the subject in location, age, design, exterior construction, size and most features. These most similar comparables sold between May 2015 and May 2016 for prices ranging from \$135,900 to \$154,000 or from \$82.26 to \$96.99 per square foot of living area, including land. The subject's assessment reflects a market value of \$123,824 or \$76.58 per square foot of living area, including land, which is below the range established by the best comparable sales in this record.

Based on this evidence where it appears the subject property may be under-valued, the Board finds a reduction in the subject's assessment is not 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: 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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