



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

APPELLANT: AMER HOMES 4 & Rent PROP LLC
DOCKET NO.: 16-05490.001-R-1
PARCEL NO.: 18-15-326-009

The parties of record before the Property Tax Appeal Board are AMER HOMES 4 & Rent PROP 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: \$ 5,835
IMPR.: \$58,559
TOTAL: \$64,394

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 construction with 1,646 square feet of living area. The dwelling was constructed in 2002. Features of the home include a partial basement, central air conditioning and a 510 square foot garage.¹ The property has an 8,450 square foot site and is located in Lake in the Hills, Grafton Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a list of seven comparable sales where comparable #1 was the same property as the subject property. Reportedly, the subject property sold in November 2014 for \$134,500. The appellant's list of six comparable properties reflects sales that occurred from October 2012 to

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.

May 2015 for prices ranging from \$159,000 to \$187,500. The appellant provided no substantive descriptive information about the comparables other than that the dwellings were built between 1999 and 2001 and range in size from 1,482 to 1,712 square feet of above-grade living area.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$44,833 which would reflect a market value of \$134,500 or the November 2014 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$64,394. The subject's assessment reflects a market value of \$193,433 or \$117.52 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 addressed the first four comparable sales the appellant presented and three of the properties sold in 2012, 2013 and 2014. Also, in the grid analysis, the November 2014 sale of the subject for \$134,500 was noted as a "court-ordered sale."

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 two-story dwellings of frame or frame and brick exterior construction. The homes were built between 1995 or 2002 and range in size from 1,628 to 1,722 square feet of living area. Each comparable has a basement and a garage ranging in size from 410 to 473 square feet of building area. One comparable also has a fireplace; no data concerning central air conditioning was provided for the comparables. The comparables sold between September 2015 and March 2016 for prices ranging from \$193,500 to \$229,900 or from \$118.86 to \$136.76 per square foot of living area, including land.

The board of review contended that its evidence supports the subject's current assessment "or higher."

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 ten comparable sales to support their respective positions before the Property Tax Appeal Board along with the November 2014 sale of the subject property. 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 2012, 2013 and/or 2014, not

as proximate in time to the assessment date as the sales provided by the board of review. To the extent that the appellant has relied upon the November 2014 sale of the subject property, the Board finds this sale shall be given little weight. The assertion the subject's sale was a court-ordered transaction and thus not an actual arm's-length sale transaction was not rebutted on this record. Furthermore, appellant's sales #2 and #7 that occurred in February and May, 2015 were more remote in time than the sales presented by the board of review and thus have been given little weight.

The Board finds the best evidence of market value to be the board of review comparable sales. These comparables are similar to the subject in location, age, design, exterior construction and several features. These comparables sold between September 2015 and March 2016 for prices ranging from \$193,500 to \$229,900 or from \$118.86 to \$136.76 per square foot of living area, including land. The subject's assessment reflects a market value of \$193,433 or \$117.52 per square foot of living area, including land, which is below the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. As noted by the McHenry County Board of Review, based on the best market value evidence in the record, the subject property may be under-assessed.

On this record, the Board finds 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: 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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