



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

APPELLANT: AMH 2015 1 & Borrower LLC
DOCKET NO.: 16-05511.001-R-1
PARCEL NO.: 14-10-479-068

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:	\$4,318
IMPR.:	\$35,118
TOTAL:	\$39,436

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 condominium with a vinyl and brick exterior containing 1,484 square feet of living area. The dwelling was constructed in 2008. Features of the home include a partial basement, 332 square feet of finished area in the lower level, central air conditioning, and an integral two-car garage. The property is located in McHenry, Nunda Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales improved with two-story dwellings with vinyl siding and brick exteriors each with 1,484 square feet of living area.¹ The dwellings were built from 2004 to 2010. Each comparable has a partial basement, 322 square feet of finished area in the lower level, central air conditioning and a two-car garage. Two comparables

¹ The descriptive information about the appellant's comparables was provided by the board of review.

each have one fireplace. The sales occurred from October 2014 to September 2015 for prices ranging from \$101,000 to \$115,000 or from \$68.06 to \$77.49 per square foot of living area, including land.

The appellant's submission also included a listing of 16 sales, with comparables #1 through #4 the being same properties as previously discussed, that have minimal physical descriptive information about each property such as year built, number of bathrooms and living area.

The appellant requested the assessment be reduced to \$18,592.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,436. The subject's assessment reflects a market value of \$118,462 or \$79.83 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 three comparable sales identified by the Nunda Township Assessor's Office improved with two-story dwellings with brick and vinyl siding exteriors each with 1,484 square feet of living area. The dwellings were built from in 2006 and 2008. Each comparable has a partial basement, 322 square feet of finished area in the lower level, central air conditioning and a two-car garage. The sales occurred from September 2015 to August 2016 for prices ranging from \$120,000 to \$133,500 or from \$80.86 to \$89.96 per square foot of living area, land included. The board of review recommended a reduction in the assessment to \$39,164.

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 appellant's comparable sale #1 through #4 and the comparable sales submitted by the board of review. These dwellings are similar to the subject in all respects with the exception two of the appellant's comparables each have one fireplace while the subject dwelling has no fireplace. These properties sold for prices ranging from \$101,000 to \$133,500 or from \$68.06 to \$89.96 per square foot of living area, including land. The subject's assessment reflects a market value of \$118,462 or \$79.83 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and is well supported. Little weight is given appellant's sales #5 through #16 in the separate list of sales due to the lack of descriptive data about the features of each property which would allow the Board to conduct a meaningful comparative analysis and the fact that seven of the sales occurred in 2013, not as proximate in time to the assessment date as the best sales found herein. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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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