



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

APPELLANT: AMER HOMES 4 & RENT PROP LLC  
DOCKET NO.: 16-05531.001-R-1  
PARCEL NO.: 18-24-301-053

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:** \$ 3,775  
**IMPR.:** \$34,708  
**TOTAL:** \$38,483

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 and brick exterior construction with 1,671 square feet of living area. The dwelling was constructed in 1994. Features of the home include central air conditioning, a fireplace and a 394 square foot garage.<sup>1</sup> The property has a 2,536 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 three comparable sales along with information that the subject property was purchased in October 2015 for a price of \$98,876. The appellant did not file this

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<sup>1</sup> Appellant's counsel provided limited 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.

appeal as a "recent sale" and did not complete Section IV of the Residential Appeal petition or provide the required documentation related to the recent sale of the subject property.

The three comparable properties identified as #2, #3 and #4 in the list sold from June 2013 to December 2015 for prices ranging from \$100,000 to \$110,000. The appellant provided no substantive descriptive information about the comparables other than that the dwellings were built in 1992 or 1999 and range in size from 1,460 to 1,674 square feet of above grade living area.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$32,959 which would reflect a market value of approximately \$98,877.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$38,483. The subject's assessment reflects a market value of \$115,599 or \$69.18 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 appeal, the board of review noted that two of the appellant's sales occurred in 2013 and 2014. Furthermore, the board of review asserted that based upon comparable sales gathered by the township assessor the subject property is "under-assessed." In the grid analysis prepared by the township assessor, the October 2015 sale of the subject property for \$98,876 was reported as a "court-order sale" and the subject's property record card indicates the property transferred as a result of a Special Warranty Deed.

In support of its contention of the correct assessment, the board of review 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 in 1992 or 1993 and range in size from 1,525 to 1,643 square feet of living area. One comparable has a fireplace and each comparable has a garage of either 394 or 400 square feet of building area. No data was provided concerning central air conditioning. The comparables sold between August 2015 and April 2016 for prices ranging from \$143,000 to \$160,000 or from \$87.04 to \$101.64 per square foot of living area, including land.

While the board of review noted the subject appeared to be under-valued, the board of review did not request a change in 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 seven comparable sales to support their respective positions before the Property Tax Appeal Board along with the October 2015 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, two of the appellant's comparables sold in 2013 and 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 October 2015 sale of the subject property, the Board finds this sale shall be given little weight. The assertion is that 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.

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 August 2015 and April 2016 for prices ranging from \$143,000 to \$160,000 or from \$87.04 to \$101.64 per square foot of living area, including land. The subject's assessment reflects a market value of \$115,599 or \$69.18 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.

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Chairman



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Member

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Member



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Member

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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



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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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

AMER HOMES 4 & RENT PROP LLC, by attorney:  
Michael R. Davies  
Ryan Law LLP  
311 South Wacker Drive  
Mailbox #29  
Chicago, IL 60606

COUNTY

McHenry County Board of Review  
McHenry County Government Center  
2200 N. Seminary Ave.  
Woodstock, IL 60098