



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

APPELLANT: AH4R I IL LLC
DOCKET NO.: 16-05572.001-R-1
PARCEL NO.: 19-11-451-001

The parties of record before the Property Tax Appeal Board are AH4R I IL 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: \$15,871
IMPR.: \$55,162
TOTAL: \$71,033

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 1,900 square feet of living area. The dwelling was constructed in 1995. Features of the home include a partial finished English basement, central air conditioning, a fireplace and a 420 square foot garage. The property has an 11,238 square foot site and is located in Cary, Algonquin Township, McHenry County.¹

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a list of twelve comparable sales that sold from March 2013 to November 2015 for prices ranging from \$120,000 to \$210,000. The appellant provided no substantive

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

descriptive information about the comparables other than that the dwellings were built between 1977 and 1996 and range in size from 1,371 to 2,951 square feet of above grade living area.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$40,000 which would reflect a market value of \$120,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$71,033. The subject's assessment reflects a market value of \$213,376 or \$112.30 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 noted that four of the six comparable sales gathered by the township assessor indicate that the "subject is under-assessed."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales each of which is located in the same subdivision as the subject property. Board of review comparables #1 and #5 were also presented as appellant's comparables #10 and #4, respectively. The six comparables consist of two-story dwellings of frame or frame and brick exterior construction. The homes range in age from 20 to 23 years old and range in size from 1,735 to 2,372 square feet of living area. Five of the comparables have a basement, two of which have finished areas. Each home has central air conditioning, a fireplace and a garage ranging in size from 400 to 441 square feet of building area. The comparables sold between April 2015 and May 2016 for prices ranging from \$175,000 to \$264,000 or from \$74.06 to \$132.99 per square foot of living area, including land. As to board of review sale #1/appellant sale #10, the board of review's evidence asserted the property was not advertised and involved related parties.

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 sixteen comparable sales to support their respective positions before the Property Tax Appeal Board with two common properties presented by both parties. 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, seven 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. Little

weight was also given to board of review sale #1/appellant's sale #10 as the property was not advertised and sold between related parties which indicates this was not an arm's-length transaction reflective of market value. Additionally, the Board has given little weight to board of review sale #5/appellant sale #4 as this dwelling does not have a basement which is thus inferior to the subject dwelling with a partial finished English basement.

The Board finds the best evidence of market value to be board of review comparable sales #2, #3, #4 and #6. These four comparables are similar to the subject in location, age, design, exterior construction and several features. These comparables sold between April 2015 and May 2016 for prices ranging from \$215,000 to \$264,000 or from \$120.27 to \$132.99 per square foot of living area, including land. The subject's assessment reflects a market value of \$213,376 or \$112.30 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 appears to 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

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