



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

APPELLANT: AMER HOMES 4 & RENT LLC
DOCKET NO.: 16-05575.001-R-1
PARCEL NO.: 01-36-330-006

The parties of record before the Property Tax Appeal Board are AMER HOMES 4 & RENT 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: \$8,234
IMPR.: \$27,894
TOTAL: \$36,128

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 exterior construction with 1,872 square feet of living area. The dwelling was constructed in 1999. Features of the home include a concrete slab foundation, central air conditioning and a two-car garage containing 616 square feet of building area. The property has a 9,120 square foot site and is located in Harvard, Chemung Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a list of 11 comparable sales, with comparable #1 being the subject property, that sold from February 2013 to February 2015 for prices ranging from \$72,000 to \$105,500. The appellant provided no substantive descriptive information about the comparables other than that six of the dwellings were built from 2000 to 2003 and two of the dwellings contain 2,297 or

2,880 square feet of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,128. The subject's assessment reflects a market value of \$108,525 or \$57.97 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 submitted a detailed grid analysis of the appellant's comparable sales #1 through #4 that disclosed that the properties were sold through a foreclosure or a "HUD" sale that occurred from January 2013 to January 2015 which are less proximate in time to the January 1, 2016 assessment date when utilizing a sales period from six months before and after the assessment date at issue. Additionally, the board of review disclosed the subject's sale in February 2015 for a price of \$72,000 was a judicial sale. The board of review noted that based upon the comparable sales gathered by the township assessor with sale dates closer to the lien date at issue, the subject property is under-assessed.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales. The comparables have sites ranging in size from 8,715 to 10,349 square feet of land area. The comparables consist of two-story dwellings ranging in size from 1,452 to 1,656 square feet of living area. The dwellings were built from 2000 to 2004. None of the comparables have a basement and each comparable has a two-car garage. The comparables sold from July 2015 to March 2016 for prices ranging from \$109,000 to \$130,000 or from \$65.82 to \$87.30 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 Board finds the evidence disclosed the subject property was purchased in February 2015 for a price of \$72,000 through a judicial sale. The Board finds, however, the fact the property was sold through a judicial sale calls into question whether the purchase price is reflective of fair cash value. The Board finds the parties provided a total of 13 suggested comparable sales to support their respective positions before the Property Tax Appeal Board. Little weight was given to the evidence submitted by the appellant, as counsel for the appellant failed to provide 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 ten comparables submitted by the appellant sold through a foreclosure

or a “HUD” sale which calls into question whether the purchase prices were arms-length transactions reflective of fair cash value and nine of the ten comparable sales submitted by the appellant sold in 2013 and 2014, not as proximate in time to the assessment date as the sales provided by the board of review.

The Board finds the best evidence of market value to be the three comparables submitted by the board of review. These comparables are similar to the subject in location, dwelling size, design, and age. The comparables sold from July 2015 to March 2016 for prices ranging from \$109,000 to \$130,000 or from \$65.82 to \$87.30 per square foot of living area, including land. The subject's assessment reflects a market value of \$108,525 or \$57.97 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

AGENCY

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