



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

APPELLANT: AMER HOMES 4 & RENT PROP LLC
DOCKET NO.: 16-05576.001-R-1
PARCEL NO.: 18-23-179-008

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: \$ 5,149
IMPR.: \$54,958
TOTAL: \$60,107

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 part two-story and part one-story dwelling of frame exterior construction with 1,465 square feet of living area. The dwelling was constructed in 1997. Features of the home include a partial basement, central air conditioning and a 431 square foot garage.¹ The property has a 6,255 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 eight comparable sales along with information that the subject property was purchased in December 2014 for a price of \$113,085. The appellant did not file

¹ 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.

this 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 eight comparable properties identified as #2 through #9 in the list sold from April 2013 to August 2015 for prices ranging from \$132,300 to \$179,000. The appellant provided no substantive descriptive information about the comparables other than that the dwellings were built between 1993 and 1998 and range in size from 1,232 to 1,465 square feet of above grade living area.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$37,695 which would reflect a market value of approximately \$113,085.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$60,107. The subject's assessment reflects a market value of \$180,556 or \$123.25 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 erroneously asserted that all of the appellant's sales occurred in 2013 and 2014; appellant's sale #7 occurred in 2015. 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 December 2014 sale of the subject property for \$113,085 was reported as a "court-order sale" and the subject's property record card indicates the property transferred as a result of a Judicial 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, one-story and two, two-story dwellings of frame or frame and brick exterior construction. The homes were built in 1998 or 1999 and range in size from 1,320 to 1,567 square feet of living area. Two comparables each have a fireplace and each comparable has a garage ranging in size from 400 to 414 square feet of building area. No data was provided concerning central air conditioning. The comparables sold between July 2015 and June 2016 for prices ranging from \$202,000 to \$217,000 or from \$128.91 to \$164.39 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 twelve comparable sales to support their respective positions before the Property Tax Appeal Board along with the December 2014 sale of the subject property. Except for appellant's comparable sale #7, 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 eight 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 December 2014 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 has also given little weight to board of review comparables #3 and #4 as each of these are one-story dwellings which differ in design from the subject dwelling that is part two-story and part one-story.

The Board finds the best evidence of market value to be appellant's comparable #7 along with board of review comparable sales #1 and #2. These comparables appear to be similar to the subject in location given common addresses in close proximity to the subject and the home are similar to the subject in age. These three comparables sold between July 2015 and June 2016 for prices ranging from \$179,000 to \$214,000 or from \$141.58 to \$146.78 per square foot of living area, including land. The subject's assessment reflects a market value of \$180,556 or \$123.25 per square foot of living area, including land, which is at the low end of the range established by the best comparable sales in this record in terms of overall value and below the range on a per-square-foot basis. After considering adjustments for differences, the Board finds that the subject's assessment is supported and 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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