



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

APPELLANT: AMH 20142 Borrower LLC
DOCKET NO.: 16-05959.001-R-1
PARCEL NO.: 07-19-108-148

The parties of record before the Property Tax Appeal Board are AMH 20142 Borrower LLC, the appellant, by attorney Michael R. Davies, of Ryan Law LLP in Chicago; and the DuPage 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 **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$12,840
IMPR.: \$46,700
TOTAL: \$59,540

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage 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 dwelling of frame construction with 1,588 square feet of living area. The dwelling was constructed in 2003 and has a two-car garage. The property is located in Aurora, Naperville Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales that sold from March 2013 to September 2013 for prices ranging from \$153,500 to \$162,000. The appellant's grid included the subject's sale in December 2012 for \$130,500. The appellant provided little descriptive information about the purported comparable sales or the subject property for comparison. The appellant's submission included a list of 14 sales, not including the subject's 2012 sale, that sold

from October 2012 to August 2015 for prices ranging from \$119,667 to \$170,000.¹ The list included the three sales used on the appellant's comparable sales grid, as well as the subject's 2012 sale. The appellant requested the assessment be reduced to \$39,889.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$59,540. The subject's assessment reflects a market value of \$178,853 or \$112.63 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for DuPage County of 33.29% as determined by the Illinois Department of Revenue.

As to the appellant's comparable sales, the board of review argued that the sales were dated 2013 sales and the remaining comparable was the subject.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales. The comparables were two-story condominiums of frame construction that contain 1,588 square feet of living area. The homes were built from 2002 to 2004 and have a two-car garage. Three of the comparables have a fireplace. The comparables had sale dates occurring from May 2014 to May 2016 for prices ranging from \$179,500 to \$190,000 or from \$113.04 to \$119.65 per square foot of living area, including land. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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.

As an initial matter regarding the subject's December 2012 sale for \$130,500, the Board finds the sale will be given less weight due to its occurrence greater than 36 months prior to the January 1, 2016 assessment date at issue.

The parties submitted a total of nine gridded comparable sales for the Board's consideration. The Board gave less weight to the appellant's comparables, as well as the board of review's comparables #5 and #6, due to their sale dates occurring greater than 16 months prior to the January 1, 2016 assessment date at issue. The Board finds the best evidence of market value to be the board of review's comparable sales #1 through #4. These comparables were most similar to the subject in location, style, size, age and features. These sales also occurred most proximate in time to the assessment date at issue. The best comparables sold from March 2015 to May 2016 for prices ranging from \$179,500 to \$190,000 or from \$113.04 to \$119.65 per square foot of living area, including land. The subject's assessment reflects a market value of \$178,853 or

¹ The appellant's list of 15 sales did not include specific information regarding the features of the comparables, that would be necessary for the Board to make a proper comparable analysis to the subject. Therefore, no further analysis will be done on the list.

\$112.63 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. 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: November 19, 2019



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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