



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

APPELLANT: AMH 2014-2 Borrower LLC
DOCKET NO.: 16-07358.001-R-1
PARCEL NO.: 19-19-405-003

The parties of record before the Property Tax Appeal Board are AMH 2014-2 Borrower 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: \$17,113
IMPR.: \$44,707
TOTAL: \$61,820

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 single-family dwelling containing 1,974 square feet of living area.¹ The dwelling was constructed in 1993 and features central air conditioning and a 430-square foot garage. The property has a 14,280-square foot site and is located in Lake In The Hills, Algonquin Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted limited information on four comparable sales located from .04 to .19 of a mile from the subject property. The comparables are described as two-story dwellings ranging in size from 1,974 to 2,208 square feet of living area. The dwellings were constructed in 1993 or 1994 and have sites ranging from 7,865 to 12,175. The properties sold from April 2013 to May

¹ The appellant has provided limited information with regard to the subject and the comparable sales. The Board has gleaned some of the information regarding the subject from the board of review submission.

2014 for prices ranging from \$53,000 to \$179,000 or from \$24.00 to \$90.68 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$61,820. The subject's assessment reflects a market value of \$185,701 or \$94.07 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 support of its contention of the correct assessment, the board of review submitted information on four comparable sales located in the same neighborhood as the subject property as defined by the local assessor. The comparables are improved with two-story single-family residences ranging in size from 1,608 to 2,065 square feet of living area. The dwellings were constructed in 1993 or 1994. The comparables each feature central air-conditioning and a garage ranging in size from 430 to 437 square feet of building area. Two comparables have a fireplace. The comparables have sites ranging in size from 7,187 to 10,367 square feet of land area.² The comparables sold from February to August 2016 for prices ranging from \$180,000 to \$213,000 or from \$91.04 to \$129.25 per square foot of living area, including land. The board of review also submitted a copy of the property record card for the subject. Based on this evidence, the board of review requested confirmation of 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.

As an initial matter regarding the appellant's appeal form which was marked "rollover" at the top of the form, the Board finds that the record disclosed the Property Tax Appeal Board issued a decision reducing the subject's 2015 assessment. However, the Board finds that the appellant's attorney failed to disclose whether the subject was owner-occupied or not, which is one of the requirements for a "rollover" to occur. For this reason, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted based on the "rollover" provision provided by section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

The parties submitted for the Board's consideration a total of eight suggested comparable sales with various degrees of similarity to the subject property. The Board gave less weight to appellant's comparable sales due to their sale dates in 2013 and 2014 being too remote in time

² The parties differ on the size of the subject's lot size with the appellant reporting the lot size to be 14,280 square feet of land area and the board of review reporting 8,783 square feet of land area. The Board finds that the best evidence of the subject's lot size is the information contained in the subject's property record card submitted by the board of review.

from the subject's assessment date of January 1, 2016 and thus less likely to accurately reflect market value. Furthermore, the appellant provided limited descriptive information regarding the comparable sales in order for the Board to conduct a meaningful comparative analysis.

The Board finds the best evidence of market value to be board of review comparable sales. These sales were most similar to the subject in location, design, age, dwelling size, lot size and most features. These comparables also sold more proximate in time to the appellant's assessment date than the comparables sales submitted by the appellant. The most similar comparables sold from February to August 2016 for prices ranging from \$180,000 to \$213,000 or from \$91.04 to \$129.25 per square foot of living area, including land. The subject's assessment reflects a market value of \$185,701 or \$94.07 per square foot of living area, land included, which is within the range established by the best comparable sales in this record. Based on this evidence, the Board finds that the appellant did not prove by preponderance of evidence that the subject is overvalued and, therefore, 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

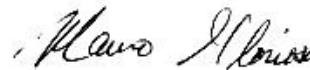
DISSENTING: _____

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:

April 21, 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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COUNTY

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