



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

APPELLANT: AMH 2014-2 Borrower, LLC
DOCKET NO.: 16-07359.001-R-1
PARCEL NO.: 19-28-302-167

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: \$7,834
IMPR.: \$30,806
TOTAL: \$38,640

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a favorable 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 townhouse containing 1,272 square feet of living area. The dwelling was constructed in 1996. The features of the subject property include an unfinished basement, central air conditioning and a 270-square foot garage. The property has a 1,343-square foot site and is located in Algonquin Township, McHenry County.¹

The appellant contends overvaluation as the basis of the appeal but only provided assessment equity data as the appellant's evidence. In support of this argument, the appellant submitted limited information on five comparable properties located on the same street as the subject property. Each comparable is described as a "townhouse" containing 1,272 or 1,398 square feet

¹ The appellant has provided limited information with regard to the subject and the comparable properties. The Board has gleaned some of the information regarding the subject property from the board of review submission and will conduct its analysis based on the information contained in this record.

of living area. The dwellings were constructed in 1994 or 1995 and have sites of 1,343 or 1,656 square feet of land area. The comparables have improvement assessments ranging from \$24,840 to \$27,749 or from \$19.53 to \$20.15 per square foot of living area. 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 \$38,640. The subject's assessment reflects a market value of \$116,071 or \$91.25 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. The subject has an improvement assessment of \$30,806 or \$24.22 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales located within the same subdivision as the subject property as defined by the local assessor. The comparable properties are described as two-story townhouses of frame exterior construction each containing 1,272 square feet of living area. Five dwellings feature a basement with two of them having finished area. Each townhouse has central air conditioning and a 270-square foot garage. Three homes also have a fireplace. The comparables sold from May 2015 to June 2016 for prices ranging from \$120,000 to \$149,900 or from \$94.34 to \$117.85 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 record disclosed that 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, 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) which is applicable to owner-occupied residential real estate.

As to the appellant's overvaluation argument based on comparable sales, the Board finds the appellant's evidence did not contain any sale data for the comparable properties including sale dates and sale prices.²

The Board finds the only evidence of market value in the record was submitted by the board of review. These comparables sold from May 2015 to June 2016 for prices ranging from \$120,000 to \$149,900 or from \$94.34 to \$117.85 per square foot of living area, including land. The subject's assessment reflects a market value of \$116,071 or \$91.25 per square foot of living area, land included, which is below the range established by the best comparable sales in this record but is logical given the subject's 1.1 bathrooms and unfinished basement. Based on this evidence the Board finds a reduction in the subject's assessment is not justified on the grounds of overvaluation.

As to the appellant's inequity in assessment argument, the Board acknowledges that appellant's submission included a copy of the 2015 appeal form which was based on assessment equity and which resulted in a decision by the Property Tax Appeal Board to reduce the subject's assessment. To the extent that the appellant presented equity data, it appears based on the erroneous statement of the subject's assessment that this data is likely for a tax year other than 2016 which is at issue. However, this 2016 appeal is based on overvaluation rather than inequity in assessment and the appellant has clearly marked "Comparable sales" as the only basis of the appeal. On this record the Board finds the appellant failed to provide appropriate evidence to support the basis of its appeal. In conclusion, the Board finds no change in the subject's assessment is warranted.

² Appellant presented equity data in support of the appeal based on overvaluation. The board of review responded by submitting information on comparables sales which was marked on the appeal form and no evidence was provided regarding the improvement assessments of their comparables.

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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