



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

APPELLANT: American Homes 4 Rent Properties Ten, LLC
DOCKET NO.: 20-05706.001-R-1
PARCEL NO.: 14-35-385-009

The parties of record before the Property Tax Appeal Board are American Homes 4 Rent Properties Ten, LLC, the appellant, by attorney Jeffrey G. Hertz, of Sarnoff & Baccash in Chicago; and the Kane 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 **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$21,486
IMPR.: \$65,390
TOTAL: \$86,876

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2020 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 parties appeared before the Property Tax Appeal Board on November 15, 2022 for a hearing at the Kane County Government Center in Geneva pursuant to prior written notice dated September 7, 2022. Appearing on behalf of the appellant was attorney Jeffrey G. Hertz, and appearing on behalf of the Kane County Board of Review was Michelle Abell, Kane County Board of Review Member, together with its witness, Patti Kleckner, Chief Deputy Assessor of Sugar Grove Township.

The subject property consists of a 2-story dwelling of brick and vinyl siding exterior construction with 2,723 square feet of living area. The dwelling was constructed in 2004 and is approximately 16 years old. Features of the home include a basement with finished area, central air conditioning, and a 2-car garage. The property has a 7,405 square foot site and is located in Montgomery, Sugar Grove Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$235,000 as of January 1, 2020. The appraisal was prepared by Peter Petrovich, a certified residential real estate appraiser, for ad valorem tax purposes. The appraiser was not present at the scheduled hearing.

The appraiser examined five comparable sales located from 0.04 to 0.76 of a mile from the subject. The parcels range in size from 7,405 to 10,019 square feet of land area and are improved with 2-story homes of frame exterior construction ranging in size from 2,677 to 3,040 square feet of living area. The dwellings range in age from 15 to 17 years old. The appraiser reported each home has a basement,¹ central air conditioning, and a 2-car garage. Three homes each have a fireplace. The board of review reported in its grid analysis of the appraisal comparables that comparable #1 has an inground swimming pool, which was not reported by the appraiser. The comparables sold from February to August 2019 for prices ranging from \$231,000 to \$255,000 or from \$78.95 to \$95.26 per square foot of living area, including land. The appraiser made adjustments to these comparables for sale or financing concessions and for differences from the subject, such as lot size, quality of construction, dwelling size, finished basement area, fireplace amenity, and other improvements, to arrive at adjusted sale prices ranging from \$226,700 to \$236,890. Based on the foregoing, the appraiser opined a market value for the subject of \$235,000 as of January 1, 2020.

At hearing, Hertz described the subject property and acknowledged that the subject property is a rental property and is not owner-occupied. Hertz presented the appraisal comparables and value conclusion. Upon questioning by Abell, Hertz was unable to explain why no adjustments were made for date of sale when an increasing market was indicated, how adjustments were made for quality of construction, porches, and patios, and why no adjustments for view were made where a map contained in the appraisal shows the subject backs to a road.

Based on this evidence the appellant requested a reduction in the subject's assessment to \$78,325 to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$86,876. The subject's assessment reflects a market value of \$260,732 or \$95.75 per square foot of living area, land included, when using the 2020 three year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales, together with a grid analysis of the appraisal comparables and maps depicting the locations of both parties' comparables in relation to the subject. The board of review's comparables are located from 0.34 to 0.48 of a mile from the subject. The parcels range

¹ Although the appraiser reported that comparable #4 has finished basement area, the grid analysis of these comparables presented by the board of review describes this property as having an unfinished basement, which was not refuted by the appellant and the appraiser was not present to testify regarding the source of this information. Thus, the Board finds the best evidence of the features of the appraisal comparables is found in the grid analysis presented by the board of review.

in size from 8,276 to 10,019 square feet of land area and are improved with 2-story homes of brick and vinyl siding exterior construction ranging in size from 2,746 to 2,909 square feet of living area. The dwellings were built in 2004 or 2005. Each home has a basement with finished area, central air conditioning, and a garage ranging in size from 462 to 704 square feet of building area. Two homes each have a fireplace. The comparables sold from June 2018 to May 2020 for prices ranging from \$270,000 to \$277,500 or from \$94.86 to \$100.33 per square foot of living area, including land.

The board of review also submitted a letter of the township assessor contending that three appraisal comparables are in a different neighborhood and school district than the subject despite over 80 sales in the subject's neighborhood within the past three years. The township assessor further contended that the board of review's comparables are within the subject's neighborhood and are the same model as the subject dwelling. The township assessor asserted that the subject has a lower land assessment due to its location near a busy road.

At hearing, Abell argued the appraisal contains erroneous descriptions and questionable adjustments. Abell contended the comparables within the subject's subdivision support the subject's assessment.

Kleckner testified that the adjacent Foxmoor and Fairfield Way subdivisions are in different school districts but are divided by a road. Kleckner further testified the subject is in the Foxmoor subdivision which has similar 2-story homes. Upon questioning by the Administrative Law Judge, Kleckner identified the Foxmoor and Fairfield Way subdivisions on the maps provided by the board of review.

Kleckner stated the subject's land assessment is lower reflecting that it backs to a busy road. Kleckner explained that lots are assessed in the subject's neighborhood within a range of square footage with a plus or minus based on the property's view or whether it differs in size from a standard lot. Kleckner testified that the map of the appraisal comparables presented by the board of review depicts that appraisal comparable #3 backs to a road like the subject.

Upon questioning by Hertz, Kleckner acknowledged that the assessments shown in the grid analyses do not reflect any exemptions on those properties. Kleckner explained that neighboring properties may have exemptions for which the subject property does not qualify.

Based on this evidence the board of review requested the subject's assessment be sustained.

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 appellant submitted an appraisal and the board of review submitted four comparable sales to support their respective positions before the Board. The Board gives no weight to the value conclusion contained within the appellant's appraisal as the appraiser was not present at the hearing to testify in support of the value conclusion. The Board will instead consider the raw sales data presented in the appraisal report and by the board of review.

The record contains ten comparable sales for the Board's consideration. The Board gives less weight to the appraisal comparables, which lack finished basement area that is a feature of the subject. Moreover, appraisal comparables #1, #2, and #3 are located in a different neighborhood and school district than the subject and appraisal comparable #1 is reported to have an inground swimming pool unlike the subject. The Board also gives less weight to the board of review's comparable #4, which sold less proximate in time to the January 1, 2020 assessment date than other sales in this record.

The Board finds the best evidence of market value to be the board of review's comparables #1, #2, #3, and #5, which are similar to the subject in dwelling size, age, location, and most features. These most similar comparables sold from February 2019 to May 2020 for prices ranging from \$270,000 to \$277,500 or from \$95.39 to \$100.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$260,732 or \$95.75 per square foot of living area, including land, which is below the range established by the best comparable sales in terms of total market value and within the range on a price per square foot basis. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to the subject, 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:

December 20, 2022



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

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