



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

APPELLANT: American Homes 4 Rent Properties Ten, LLC
DOCKET NO.: 20-05707.001-R-1
PARCEL NO.: 14-35-403-004

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: \$22,562
IMPR.: \$63,529
TOTAL: \$86,091

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 aluminum siding exterior construction with 2,422 square feet of living area. The dwelling was constructed in 2006 and is approximately 14 years old. Features of the home include a basement, central air conditioning, a fireplace, and a 2-car garage. The property has an 8,276 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 \$238,000 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 four comparable sales located from 0.23 to 0.63 of a mile from the subject. The parcels range in size from 7,405 to 13,504 square feet of land area and are improved with 2-story homes of frame exterior construction ranging in size from 2,240 to 2,926 square feet of living area. The dwellings are 15 or 17 years old. Each home has a basement, one of which has finished area, central air conditioning, and a 2-car garage. Two homes each have a fireplace.¹ The comparables sold from April to December 2019 for prices ranging from \$235,500 to \$250,000 or from \$85.44 to \$111.61 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, fireplace amenity, and other improvements, to arrive at adjusted sale prices ranging from \$235,390 to \$250,100. Based on the foregoing, the appraiser opined a market value for the subject of \$238,000 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 where the appraiser indicated an increasing market or why comparables more similar to the subject in dwelling size were not selected as comparables. Hertz acknowledged that the appraiser conducted an exterior only inspection.

Based on this evidence the appellant requested a reduction in the subject's assessment to \$79,325 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 \$86,091. The subject's assessment reflects a market value of \$258,376 or \$106.63 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 four 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 0.04 to 0.39 of a mile from the subject. The parcels range in size from 7,841 to 12,197 square feet of land area and are improved with 2-story homes of vinyl siding or brick and vinyl siding exterior construction ranging in size from 2,364 to 2,456 square feet of living area. The dwellings were built from 2004 to 2007. Each home has a basement, two of which have finished area, and a garage ranging in size from 440 to 661 square

¹ Additional information regarding these comparables was presented by the board of review in a grid analysis of the appraisal comparables.

feet of building area. The comparables sold from October 2018 to December 2019 for prices ranging of \$265,000 or \$270,000 or from \$109.93 to \$112.27 per square foot of living area, including land.

The board of review also submitted a letter of the township assessor contending that appraisal comparable #1 is in a different neighborhood and school district than the subject and appraisal comparable #2 is a larger dwelling than the subject home. The township assessor further contended that the board of review's comparables are within the same neighborhood as the subject, with three comparables being the same model as the subject.

At hearing, Abell argued the best comparables are appraisal comparables #2, #3, and #4 and the board of review's comparables, which are located in the subject's neighborhood.

Kleckner testified that Foxmoor and Fairfield Way subdivisions are in different school districts and are divided by a road. Kleckner further testified that Foxmoor is a subdivision of mostly 2-story homes whereas Fairfield Way has a mix of home styles. Kleckner stated that the board of review's comparables are mostly the same model as the subject and are similar to the subject in dwelling size. Upon questioning by Hertz, Kleckner stated she prepared the evidence and no adjustments were made to the comparables presented by the board of review.

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 eight comparable sales for the Board's consideration. The Board gives less weight to appraisal comparable #1, which is located in a different neighborhood and school district than the subject, and appraisal comparable #2, which is a much larger home than the subject dwelling. The Board gives less weight to the board of review's comparables #1 and #3, which have finished basement area that is not a feature of the subject. Moreover, the board of review's comparable #1 also has an inground swimming pool that is not a feature of the subject and sold less proximate in time to the assessment date than other sales in this record.

The Board finds the best evidence of market value to be the appraisal comparables #3 and #4 and the board of review's comparables #2 and #4, which are similar to the subject in dwelling size,

age, location, and most features. These most similar comparables sold in April and December 2019 for prices ranging from \$250,000 to \$270,000 or from \$109.93 to \$111.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$258,376 or \$106.63 per square foot of living area, including land, which is within the range established by the best comparable sales in terms of total market value and below 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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