



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

APPELLANT: AMH 2014-2 Borrower, LP
DOCKET NO.: 20-05708.001-R-1
PARCEL NO.: 09-03-134-002

The parties of record before the Property Tax Appeal Board are AMH 2014-2 Borrower, LP, 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: \$25,019
IMPR.: \$61,727
TOTAL: \$86,746

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, Diane Hemmingsen, Township Assessor of St. Charles Township.

The subject property consists of a 2-story dwelling of frame exterior construction with 1,431 square feet of living area. The dwelling was constructed in 1993 and is approximately 27 years old. Features of the home include a walkout basement with finished area, central air conditioning, a fireplace, and a 2-car garage. The property has a 6,827 square foot site and is located in South Elgin, St. Charles 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 \$227,000 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 three comparable sales located from 0.09 to 0.45 of a mile from the subject. The parcels range in size from 6,000 to 12,144 square feet of land area and are improved with homes¹ of frame or brick and frame exterior construction ranging in size from 1,376 to 1,678 square feet of living area. The dwellings are 26 or 28 years old. Each home has central air conditioning and a 2-car garage. One home has a basement with finished area and one home has a fireplace. The comparables sold in March or May 2019 for prices ranging from \$204,000 to \$236,000 or from \$131.11 to \$171.51 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, foundation type, and other improvements, to arrive at adjusted sale prices ranging from \$223,900 to \$227,100. Based on the foregoing, the appraiser opined a market value for the subject of \$227,000 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 agreed the appraiser did not make adjustments for date of sale after indicating it was an increasing market. Hertz acknowledged the appraiser conducted an exterior only appraisal. Hertz was unable to explain why the appraiser made an adjustment to comparable #2 for quality of construction or why the appraiser did not make an adjustment for comparable #1's location near a busy road.

Based on this evidence the appellant requested a reduction in the subject's assessment to \$75,659 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 \$86,746. The subject's assessment reflects a market value of \$260,342 or \$181.93 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 located from 0.10 to 0.39 of a mile from the subject. The parcels range in size from 6,011 to 10,454 square feet of land area and are improved with 2-story homes of frame exterior construction ranging in size from 1,377 to 1,458 square feet of living area. The dwellings were built in 1993 or 1995. Each home has a basement with finished area, two of which are walkout basements, central air conditioning, and a 441 or 452 square foot garage. Two homes each have one or two fireplaces. The comparables sold from April 2019 to March

¹ The board of review reported that appraisal comparables #1 and #3 are 2-story homes.

2020 for prices ranging from \$249,900 to \$274,500 or from \$181.48 to \$191.69 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 lacks a basement, backs to a busy road, and the reported sale between affiliates was not an arm's length transaction as shown in an enclosed Real Estate Transfer Declaration. The township assessor further asserted that appraisal comparable #2 is located in a different township and school district than the subject and that appraisal comparable #3 has an inferior location when compared to the subject without any adjustment for this difference. The township assessor argued that the appraiser used different per square foot values when making adjustments in this neighborhood.

At hearing, Abell argued the appraisal failed to correctly describe the location of appraisal comparable #1 and to make adjustments accordingly. Abell further argued that appraisal comparable #2 is located in an inferior school district. Abell contended the board of review's comparables demonstrate the subject is fairly assessed.

Hemmingsen testified that she viewed a GIS map which depicted that appraisal comparable #1 backs to a busy road whereas the subject property backs to residential. Hemmingsen further testified that appraisal comparable #2 is in a different school district which is less desirable than the subject's school district. Hemmingsen also questioned the appraiser's adjustments for dwelling size. Hemmingsen stated that the board of review's comparables all have basements unlike two of the appraisal comparables, were built by the same builder around the same time, and are similar sized homes with similar amenities. Upon questioning by Hertz regarding appraisal comparable #1, Hemmingsen acknowledged that the property was advertised for sale. Upon questioning by the Administrative Law Judge, Hemmingsen testified she researched the sales history of appraisal comparable #1 and believes the February 2019 and May 2019 sale dates reference the same sale of this property.

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.

The appellant submitted an appraisal and the board of review submitted five 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 comparables #1 and #2, due to significant differences from the subject in foundation type. Moreover, appraisal comparable #2 is located in a different township and school district than the subject.

The Board finds the best evidence of market value to be appraisal comparable #3 and the board of review's comparables, which are similar to the subject in dwelling size, age, location, and most features. These most similar comparables sold from March 2019 to March 2020 for prices ranging from \$236,000 to \$274,500 or from \$171.51 to \$191.69 per square foot of living area, including land. The subject's assessment reflects a market value of \$260,342 or \$181.93 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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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