



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

APPELLANT: American Homes 4 Rent Properties Ten, LLC  
DOCKET NO.: 20-05715.001-R-1  
PARCEL NO.: 11-36-177-004

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:** \$11,505  
**IMPR.:** \$94,678  
**TOTAL:** \$106,183

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, Jerry Kurtti, Chief Deputy Township Assessor for Blackberry Township.

The subject property consists of a 2-story dwelling of brick and frame construction with 2,977 square feet of living area. The dwelling was constructed in 2005 and is approximately 15 years old. Features of the home include a basement, central air conditioning, a fireplace, and a 3-car garage. The property has a 17,062 square foot site and is located in North Aurora, Blackberry 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 \$280,000 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 0.49 of a mile from the subject. The parcels range in size from 14,018 to 18,936 square feet of land area and are improved with 2-story homes of brick and frame exterior construction ranging in size from 2,531 to 3,284 square feet of living area. The dwellings range in age from 15 to 18 years old. Each home has a basement, one of which has finished area, central air conditioning, a fireplace, and a 3-car garage. The comparables sold from April 2018 to November 2019 for prices ranging from \$280,000 to \$288,750 or from \$87.93 to \$111.81 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, view, quality of construction, dwelling size, finished basement area, garage size, and other improvements, to arrive at adjusted sale prices ranging from \$276,050 to \$282,800. Based on the foregoing, the appraiser opined a market value for the subject of \$280,000 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 the subject's view is considered residential when it backs to open space or to explain adjustments for view, garage size, and quality made by the appraiser.

Based on this evidence the appellant requested a reduction in the subject's assessment to \$93,324 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 \$106,183. The subject's assessment reflects a market value of \$318,676 or \$107.05 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 six comparable sales located from 0.19 to 0.51 of a mile from the subject. The parcels range in size from 14,015 to 15,983 square feet of land area and are improved with 2-story homes of brick and frame exterior construction ranging in size from 2,939 to 3,005 square feet of living area. The dwellings were built from 2003 to 2006. Each home has a basement, two of which are lookout basements and one of which has finished area, central air conditioning, a fireplace, and a garage ranging in size from 395 to 700 square feet of building area. The comparables sold from April 2017 to November 2018 for prices ranging from \$290,000 to \$348,000 or from \$98.67 to \$116.35 per square foot of living area, including land.

The board of review also submitted a letter of the township assessor contending that the appraisal contains questionable adjustments to the comparables and that the subject has a higher land

assessment due to its location in a cul-de-sac. The township assessor stated there were nine sales of properties of the same model as the subject from 2017 to 2019 with six being presented as comparables.

At hearing, Abell argued that the appraised value conclusion is not supported, is based on unexplained large adjustments to the comparables, and fails to identify the subject as backing to open space.

Kurtti asserted that the board of review's comparables are more similar to the subject than the appraisal sales, specifically, the board of review's comparables are the same model as subject dwelling and are very similar to the subject home in dwelling size. Upon questioning by Hertz, Kurtti affirmed the board of review's comparable sales occurred in 2017 and 2018 and are not adjusted. The ALJ asked Kurtti why no 2019 sales were presented as comparables as nine sales of this model home were described in the township assessor's letter from 2017 to 2019. Kurtti responded that there were no sales of that model 2019.

Kurtti further testified that both the subject and the board of review's comparable #4 back to open space and have identical assessments which reflect their more desirable locations. Upon questioning by Hertz regarding how land is assessed in the subject's neighborhood, Kurtti explained properties backing to open space have the same assessment within a range of site sizes. The Administrative Law Judge ("ALJ") asked Kurtti to identify the range of site sizes. Kurtti replied that there is only one range for this neighborhood as the site sizes are relatively similar and the primary distinction is whether they back to open space. Kurtti clarified that land in the subject's neighborhood is assessed on a site basis.

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 six 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 appraisal sale #4, which is a much smaller home than the subject dwelling, and to the board of review's comparables #5 and #6, which sold less proximate in time to the January 1, 2020 assessment date than other comparables in this record.

The Board finds the best evidence of market value to be appraisal sales #1 through #3 and the board of review's comparables #1 through #4, which are relatively similar to the subject in dwelling size, age, location, and features. These comparables sold from March 2018 to November 2019 for prices ranging from \$280,000 to \$348,000 or from \$87.93 to \$116.35 per square foot of living area, including land. The subject's assessment reflects a market value of \$318,676 or \$107.05 per square foot of living area, including land, which is within the range established by the best comparable sales in the 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

AGENCY

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

American Homes 4 Rent Properties Ten,LLC, by attorney:  
Jeffrey G. Hertz  
Sarnoff & Baccash  
Two North LaSalle Street  
Suite 1000  
Chicago, IL 60602

COUNTY

Kane County Board of Review  
Kane County Government Center  
719 Batavia Ave., Bldg. C, 3rd Fl.  
Geneva, IL 60134