



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

APPELLANT: John Ross Depa  
DOCKET NO.: 13-01627.001-R-1  
PARCEL NO.: 10-33-405-019

The parties of record before the Property Tax Appeal Board are John Ross Depa, the appellant, by attorney Robert J. Masini, of Diver, Grach, Quade & Masini, LLP in Waukegan; and the Lake 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 **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$27,485  
**IMPR.:** \$74,171  
**TOTAL:** \$101,656

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 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 townhome style dwelling of brick and frame exterior construction with 2,382 square feet of living area. The dwelling was constructed in 2006. Features of the home include a basement, central air conditioning, a fireplace and a two-car garage having 410 square feet of building area. The property has a 2,509 square foot site and is located in Hawthorn Woods, Fremont Township, Lake County.

The appellant appeared before the Property Tax Appeal Board through counsel claiming overvaluation as the basis of the appeal. In support of this argument, the appellant called as his witness Grant M. Stewart. Stewart is employed by Grant M. Stewart and Associates, Inc. and is a Certified Residential Real Estate Appraiser licensed in Illinois. Stewart testified that he has been a certified residential appraiser approximately 30 years.

Stewart testified that he inspected the interior and exterior of the subject property and prepared an appraisal of the subject. The purpose of the appraisal was to develop an opinion of market value of the subject property as of January 1, 2013. Stewart provided direct testimony regarding the appraisal methodology and final value conclusion. The appraiser relied on the sales comparison approach to value. The appraisal report conveys an estimated market value of \$265,000 as of January 1, 2013.

During the appraiser's testimony, Stewart testified that when the appellant purchased the home, it had been a "display home " and included furnishings. Stewart acknowledged that there was no evidence submitted as documentation of the personal property.

Under the sales comparison approach to value, the appraiser utilized four suggested sales located in Hawthorn Woods within .2-of a mile from the subject property. The dwellings were described as two-story townhome style dwellings of brick and frame exterior construction. Each comparable has a basement with one comparable having finished area and two comparables having a walk-out style basement. Features also included central air conditioning, a fireplace and a two-car garage. The dwellings are from 4 to 7 years old. The dwellings range in size from 2,292 to 2,461 square feet of living area and are situated on lots that range in size from 2,505 to 3,284 square feet of land area. The comparables sold from April 2012 to July 2013 for prices ranging from \$253,000 to \$319,000 or from \$102.80 to \$134.94 per square foot of living area, land included. After adjusting the comparables for differences when compared to the subject in site, view, age, dwelling size, baths and other amenities, the appraiser calculated that the comparables had adjusted sale prices ranging from \$261,000 to \$304,000 or from \$106.05 to \$128.60 per square foot of living area including land. Based on these adjusted sale prices, the appraiser concluded the subject property had an estimated market value of \$265,000 or \$111.25 per square foot of living area land included as of January 1, 2013 using the sales comparison approach.

Under cross-examination, Stewart testified that it was an error that he did not included the subject's sale in the appraisal. Stewart acknowledged on page 1 of his appraisal that under foundation the outside entry/exit is marked with an "x," but the subject property does not have a walk-out style basement. Stewart testified that under "Additional Features" it states that the basement has 2 rooms, and a .1 bath, in which that is an error, the basement is not finished nor has a half-bath.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$101,656. The subject's assessment reflects a market value of \$305,824 or \$128.39 per square foot of living area, land included, when using the 2013 three-year average median level of assessment for Lake County of 33.24% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on the sale of the subject property. The board of review submitted a PTAX-203, Illinois Real Estate Transfer Declaration disclosing that the subject property sold in August 2012 for a price of \$370,000. The declaration disclosed that the property was advertised for sale and there was no "personal property" included in the sale purchase. The board of review also included a copy

of the Multiple Listing Service sheet of the subject property disclosing that the property was on the market for 146 days prior to its sale.

### **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 Board finds the best evidence of market value to be the purchase of the subject property in August 2012 for a price of \$370,000. The board of review provided evidence demonstrating the sale had the elements of an arm's length transaction. The board of review disclosed that the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service for 146 days. In further support of the transaction the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration, which did not include any personal property in the purchase price. The Board finds the purchase price is above the market value reflected by the assessment. Furthermore, the Board gives little weight to the appellant's appraisal report as the opinion of value is not supported by the sale of the subject that occurred only four months prior to the January 1, 2013, effective valuation date of the appraisal. The Board finds the appraiser failed to disclose that the property had sold, which further undermines the appraiser's value conclusion. Based on this record the Board finds the subject property had a market value of \$370,000 as of January 1, 2013. Based on this evidence 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(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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: March 20, 2018



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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