



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

APPELLANT: Susan Hoxie
DOCKET NO.: 14-00414.001-R-1
PARCEL NO.: 05-33-107-028

The parties of record before the Property Tax Appeal Board are Susan Hoxie, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry, 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: \$12,957
IMPR.: \$41,194
TOTAL: \$54,151

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 2014 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 one-story single-family dwelling of frame construction with 1,366 square feet of living area. The dwelling was constructed in 2002. Features of the home include a full unfinished basement, central air conditioning and an attached 428 square foot garage. The property has an 8,712 square foot site and is located in Lakemoor, Grant Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Jerzy Siudyla, a Certified Residential Real Estate Appraiser, estimating the subject property had a market value of \$138,000 as of January 1, 2014. As part of the report, in discussing market conditions, the appraiser referred to data on REO/Foreclosure, short sales and court approved sales for 2013. Based on the sales data for 2013, excluding waterfront properties located within a mile of the subject, the appraiser

determined that 55.8% of all of these sales were reported as REO/Foreclosure, short sales or court approved sales. Based on this analysis, the appraiser opined that such sales are appropriate to use if reported to be in similar condition "as they reflect retrospective market conditions in the subject market area in 2013."

As part of the addendum, the appraiser detailed the search efforts to locate suitable comparable properties. The appraiser's first most narrow search resulted in sale #1 and the first expansion of the search criteria resulted in sale #3. A further expansion of the search criteria did not result in any additional comparable properties; Due to the lack of comparable sales and in order to complete the assignment, the appraiser utilized sales of split-level, raised ranch and contemporary style residences "in wider than desired range" of size, age and basement size.

Utilizing the sales comparison approach to value, the appraiser set forth four suggested comparables located from .04 to .92 of a mile from the subject. The comparables consist of a ranch, a split-level, a "contemporary and a raised ranch dwelling. The homes were from 11 to 24 years old. The comparables range in size from 766 to 1,387 square feet of living area. The comparables have basements or lower levels, three of which have finished area. Features include central air conditioning and a two-car garage. The comparables sold from March 2013 to October 2013 for purchase prices ranging from \$125,000 to \$148,725 or from \$98.83 to \$163.19 per square foot of living area, including land.

The appraiser made adjustments to the comparables for financing concessions, date of sale and for differences in age, room count, living area square footage, basement size and/or basement finish along with differences in upgrades and other amenities from the subject. After this analysis, the appraiser concluded adjusted sale prices for the comparables ranging from \$120,950 to \$151,728 or from \$88.54 to \$180.16 per square foot of living area including land. The appraiser then concluded an estimated fair market value of the subject of \$138,000 or \$101.02 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the assessment of the subject property to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$54,151. The subject's assessment reflects a market value of \$162,518 or \$118.97 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Lake County of 33.32% as determined by the Illinois Department of Revenue.

In response to the comparables presented in the appellant's appraisal, the board of review noted that three of the homes differ in design when compared to the subject, two of the sales were REO/foreclosures and a third sale was a short sale after the lender had filed a Lis Pendens. Three of the comparable dwellings have smaller basements than the subject and comparable #4 is in a different township with a different high school district than the subject.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located from .06 to .53 of a mile from the subject property. The comparables consist of one-story frame dwellings that were built between 1998 and 2002. The

homes range in size from 1,366 to 1,586 square feet of living area and have full basements, central air conditioning and a garage ranging in size from 400 to 618 square feet of building area. Two of the comparables each have a fireplace. The properties sold between August 2012 and April 2015 for prices ranging from \$161,000 to \$200,000 or from \$117.18 to \$133.97 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant filed a five-page brief addressing the criticisms of the appraisal set forth by the board of review and individually addressing each of the board of review's five suggested comparables. In reliance upon descriptions of the properties in Multiple Listing Service data sheets, counsel argued about the proximity of the sales to the assessment date at issue; superior finished basements; number of bedrooms; number of bathrooms; differences in garage size; and/or location backing to woodlands or a pond.

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 Property Tax Appeal Board has given little weight to the value conclusion of the appellant's appraisal report as the opinion is not well-supported by the comparable sales in the appraisal report given the lack of adjustments to the comparables for differences in design and other substantial differences between the subject and the comparables. Having given little weight to the value conclusion, the Board will examine the raw sales presented by both parties.

The Board has given little weight to appraisal sales #2, #3 and #4 along with board of review comparable #2 due to differences in design, size and/or other features.

The Board finds the best evidence of market value to be the appraisal sale #1 along with board of review comparable sales #1 and #3 through #5. These five comparable sales sold between August 2012 and April 2015 for prices ranging from \$135,000 to \$183,000 or from \$98.83 to \$133.97 per square foot of living area, including land. The subject's assessment reflects a market value of \$162,518 or \$118.97 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 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.



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: July 22, 2016



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 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 the subsequent year 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.

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.