



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

APPELLANT: Wayne & Sharon McManus
DOCKET NO.: 14-02277.001-R-1
PARCEL NO.: 06-10-106-002

The parties of record before the Property Tax Appeal Board are Wayne and Sharon McManus, the appellants; 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: \$5,146
IMPR.: \$14,852
TOTAL: \$19,998

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2016 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 dwelling of frame construction with 726 square feet of living area. The dwelling was constructed in 1945. Features of the property include a crawl space foundation, central air conditioning and a detached garage with 392 square feet of building area. The property has an 8,172 square foot site and is located in Lake Villa, Lake Villa Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on three comparable sales improved with one-story dwellings that had either 744 or 768 square feet of living area.¹ The dwellings were constructed from 1950 to 1955. One comparable had central air conditioning, two comparables each had one fireplace and two comparables had garages with 504 and 320 square feet of building area, respectively. These properties sold from February 2013 to August 2013 for prices ranging from \$23,500 to

¹ Appellants' comparable sales #3 and #4 in their grid analysis were duplicates.

\$29,900 or from \$30.60 to \$40.19 per square foot of living area, including land. The appellants' submission included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$24,204 to \$27,620. Based on this evidence the appellants requested the subject's assessment be reduced to \$7,979 to reflect a market value of \$23,939.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,998. The subject's assessment reflects a market value of \$60,018 or \$82.67 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 support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one-story dwellings of frame construction that ranged in size from 976 to 1,484 square feet of living area. The dwellings were built from 1950 to 1956. Two comparables each had one fireplace, three comparables had central air conditioning and each comparable had a garage ranging in size from 340 to 528 square feet of building area. The comparables had sites ranging in size 10,165 to 20,319 square feet of land area. The sales occurred from July 2014 to March 2015 for prices ranging from \$68,000 to \$110,000 or from \$55.46 to \$112.70 per square foot of living area, including land.

In rebuttal the board of review noted that each of the appellants' sales was REO/Lender Owned, Pre-Foreclosure as set forth on each of the Multiple Listing Service (MLS) listing sheets for the comparables, which were submitted by the board of review. The MLS listing sheet for appellants' comparable #1 indicated the kitchen and bath needed updating. The MLS listing sheet for appellants' comparable #3 indicated that "handyman needed" and that there was a septic system failure report.

In rebuttal the appellants provided a statement asserting the size of each of the board of review comparables was much larger than the subject property. They also pointed out that board of review sale #3 sold in November 2014 for a price of \$56,210. The board of review submission included a copy of the MLS listing sheet disclosing its sale #3 sold in November 2014 for a price of \$56,210 after being on the market for 47 days. The appellants also provided a grid analysis of all the comparables with a revised market value request of \$34,156.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains seven comparable sales submitted by the parties to support their respective positions. The comparables had varying degrees of similarity to the subject property. The record disclosed that each of the appellants comparable sales was REO/Lender Owned, Pre-Foreclosure, which calls into question the arm's length nature of the sales. Furthermore, the

evidence disclosed that both appellants' sale #1 and sale #3 had condition issues, calling into question whether these two properties were sufficiently similar to the subject property in condition to be indicative of the subject's fair cash value. The record also disclosed that board of review sale #3 had previously sold in November 2014 for a price of \$56,210. A review of the property record card for this property submitted by the board of review indicated the grantor was the Secretary of Housing & Urban Development (HUD), which calls into question the arm's length nature of the transaction. Due to these factors less weight was given these sales. The remaining sales had prices ranging from \$55.46 to \$112.70 per square foot of living area, including land. The subject's assessment reflects a market value of \$82.67 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 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



Acting 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:

October 21, 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.