



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

APPELLANT: Eugene Jarvis
DOCKET NO.: 15-01903.001-R-3
PARCEL NO.: 12-09-401-018

The parties of record before the Property Tax Appeal Board are Eugene Jarvis, the appellant, by attorney Gregory Riggs of Tax Appeals Lake County, in Lake Zurich; the Lake County Board of Review; and Lake Bluff S.D. #65, the intervenor, by attorney Scott E. Nemanich of Klein, Thorpe and Jenkins, Ltd., in Orland Park.

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: \$502,373
IMPR.: \$231,311
TOTAL: \$733,684

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 2015 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 dwelling of wood siding exterior construction that has 5,206 square feet of living area. The dwelling was reported to be built in 1990. The home features an unfinished basement, central air conditioning, two fireplaces, a coach house¹ and a 494 square foot garage. The subject has a 137,877 square foot or a 3.2-acre site with direct water/beach front rights along Lake Michigan. The subject property is located in Shields Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant completed Section IV of the residential appeal petition. The appeal petition depicts the subject property sold for \$900,000 in

¹ Based on the property record card submitted by the board of review, the coach house was not assessed.

May 2013. The seller was reported to be LaSalle Holdings; the sale did not involve family or related parties; and the property was advertised through the Multiple Listing Service. The sale was a result of foreclosure. The appellant also submitted the settlement statement associated with the sale of the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$733,684. The subject's assessment reflects an estimated market value of \$2,211,224 or \$424.75 per square foot of living area including land when applying the 2015 three-year average median level of assessment for Lake County of 33.18%. In support of the subject's assessment, the board of review submitted a letter addressing the appeal, four comparable sales, two listings, and three land sales.

The four comparable sales consist of two-story dwellings of brick, stucco or wood siding exterior construction that were built from 1938 to 2013. Features had varying degrees of similarity when compared to the subject. The dwellings range in size from 5,028 to 7,696 square feet of living area and have sites that contain from 19,608 to 171,255 square feet of land area. The comparables sold from May 2013 to September 2014 for prices ranging from \$1,660,000 to \$4,000,000 or from \$317.59 to \$519.75 per square foot of living area including land.

The two listings are comprised of two-story dwellings of brick or wood siding exterior construction that were built in 1965 and 1977. Features had varying degrees of similarity when compared to the subject. The dwellings contain 4,322 and 4,563 square feet of living area and have sites that contain 143,325 and 200,035 square feet of land area. The comparables were listed for sale in 2014 or 2015 for prices of \$2,399,000 and \$2,400,000 or \$525.75 and \$555.30 per square foot of living area including land, respectively.

The three land sales range in size from 2.09 to 3.30 acres or from 91,036 to 143,743 square feet of land area. They sold from July 2012 to September 2015 for prices ranging from \$1,365,000 to \$4,000,000 or from \$653,110 to \$1,212,121 per acre or from \$14.99 to \$27.83 per square foot of land area. The board of review argued the subject's total assessment reflects a value of \$659,459 per acre including all improvements.

With respect to the subject's sale, the board of review argued the subject sold in "as is" condition with site and condition issues. Since the 2013 sale, landscaping and condition appear to have been corrected, but the assessor nor board of review have been granted access to the property to determine the extent of the renovations. The board of review contends the subject's physical condition has changed as well as the overall real estate market since the subject's 2013 purchase. The board of review also included a copy of the certified letter mailed to appellant's counsel dated July 1, 2016 requesting an inspection of the subject property to ascertain the condition, features and size of the dwelling, which may provide a basis for resolution of the assessment complaint. The appellant's attorney did not respond to the request. The letter cites section 1910.94(a) of the Board's rules, which provides:

No taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration, any testimony, objection, motion, appraisal critique or other evidentiary material that is

offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property when the taxpayer or property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to physically inspect and examine the property for valuation purposes. (86 Ill.Admin.Code §1910.94(a)).

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

The intervenor adopted the evidence submitted by the board of review.

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 no reduction in the subject's assessment is warranted.

The Board gave less weight to the subject's sale price. Foremost, the subject's sale in June of 2013 is dated and less indicative of market value as of the January 1, 2015 assessment date. Additionally, the subject's sale was a result of foreclosure, which calls into question the arm's-length nature of the transaction. The board of review also contends the landscaping and condition of the subject property appear to have been corrected, but the board of review was not permitted to inspect the subject property to determine the extent of the renovations. This contention was not refuted by the appellant under rebuttal. The Board finds the fact the appellant did not respond to the board of review's request to inspect the subject property undermines the appellant's overvaluation complaint. Section 1910.94(a) of the rules of the Property Tax Appeal Board that provides:

No taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration, any testimony, objection, motion, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property when the taxpayer or property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to physically inspect and examine the property for valuation purposes. (86 Ill.Admin.Code §1910.94(a)).

The board of review submitted three comparables sales to support its assessment of the subject property. The Board gave less weight to comparables #1 and #5 due to their May and June 2013 sale dates, which are less indicative of market value as of the subject's January 1, 2015 assessment date. The Board finds the two remaining comparables were somewhat similar when

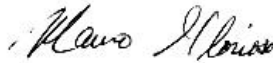
compared to the subject in design, dwelling size and some features. However, they contain considerably less land area than the subject, a major valuation component as discussed below in this decision. These comparables sold in June and September of 2014 for prices of \$1,692,500 and \$1,972,880 or \$317.59 and \$331.41 per square foot of living area including land. The two listings submitted by the board of review, which the Board finds sets the upper limit of value, were similar to the subject in many respects, most importantly their large sites along Lake Michigan. They had offering prices of \$2,399,000 and \$2,400,000 or \$525.75 and \$555.30 per square foot of living area including land. The Board finds this evidence demonstrates the subject's 2013 sale price of \$900,000 was not reflective of market value. Additionally, the Board find the subject's estimated market value of \$2,211,224 or \$424.75 per square foot of living area including land as reflected by its assessment is supported.

With respect to the three land sales submitted by the board of review, the Board gave less weight to comparable #8 due to its July 2012 sale date, which is less indicative of market value as of the subject's January 1, 2015 assessment date. The remaining land comparables, #4² and #9, which are Lake Michigan sites, sold in December 2014 and September 2015 for prices of \$2,749,900 and \$4,000,000 or \$867,476 and \$1,212,121 per acre or \$19.89 and \$27.83 per square foot of land area. Again, the Board finds these land sales demonstrate the subject's sale price of \$900,000, as improved, was not reflective of market value. In addition, the Board finds the subject's land assessment of \$502,373 reflects an estimated value of \$1,514,083 or \$473,150 per acre or \$10.98 per square foot of land area. The Board finds the land sales suggests the subject's site is undervalued.

Based on this analysis, the Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the most credible market value evidence contained in the record. Therefore, no reduction in the subject's assessment is justified.

² Comparable #4 was improved with a large single family dwelling at the time of sale in January 2014. However, the dwelling was demolished in 2015 at a cost of approximately \$27,000. A building permit was issued in July 2015 to construct a new single family dwelling at a reported cost of \$2,483,091. Therefore, the Board finds the January 2014 sale represents the property's underlying land value.

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



Acting 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: _____

May 19, 2017



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.