



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

APPELLANT: Thomas & Jane Fidler  
DOCKET NO.: 15-02633.001-C-1  
PARCEL NO.: 14-15-301-023

The parties of record before the Property Tax Appeal Board are Thomas and Jane Fidler, the appellants, by attorney Ronald Kingsley of Lake County Real Estate Tax Appeal, LLC in Lake Forest; 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:** \$14,629  
**IMPR.:** \$62,836  
**TOTAL:** \$77,465

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 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 is improved with a one-story building of masonry construction containing 2,272 square feet of building area. The building was constructed in 1975. Features of the property include a full basement, a fireplace and a chain-link fence. The building is used as a day-care center/pre-school. The property has a 15,682 square foot site resulting in a land to building ratio of 6.90:1 and is located in Lake Zurich, Ela Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted a restrictive use appraisal estimating the subject property had a market value of \$180,000 as of June 3, 2014. The restrictive use appraisal was signed by Andrew J. Richter, a certified general real estate appraiser; Brian Lerch, an associate real estate trainee appraiser; and Rick Hiton, a certified residential real estate appraiser.

The report explained that it omits many of the elements that would be included in a summary appraisal report and further stated:

Use of this report is, therefore, limited to those persons familiar with the limitations place on our engagement, namely Inland Bank & Trust and their designees, and should not be relied upon by outside parties.

The appraisers also stated in the report that the appraisal has been prepared for Ms. Joan Wilson of Inland Bank and Trust. The client was identified as Mountainseed Appraisal Management. The intended users of the report were identified as Inland Bank and Trust and Mountainseed Appraisal Management as their agent. The intended use of the report was for lending purposes.

The appraisers further stated within the report:

As this restricted appraisal report of our appraisal omits many of the elements which would be included in a self-contained report of an appraisal, its use is restricted to you as our client, or any parties you designate; but it should not be relied upon by individuals not familiar with the limitations imposed upon our assignment, nor without reference to our prior data provided to you for consideration.

In arriving at a market value estimate the appraisers developed the sales comparison approach to value using five comparable sales improved with two, one-story buildings and three, two-story buildings of masonry construction that ranged in size from 1,780 to 4,600 square feet of building area. The buildings were constructed from 1925 to 1988. One comparable was used as an office, one comparable was used as a restaurant, two comparables were used for retail purposes and one comparable was a mixed use office/retail and apartment. The comparables were located in Lake Zurich and Long Grove. The properties had sites ranging in size from 6,926 to 24,176 square feet of land area resulting in land to building ratios ranging from 2.26:1 to 7.68:1. The sales occurred from April 2012 to November 2013 for prices ranging from \$169,000 to \$640,000 or from \$85.67 to \$139.13 per square foot of building area, including land. Based on these sales the appraisers arrived at an estimated value of \$80.00 per square foot of building area or \$180,000, rounded. Based on this evidence the appellants requested the subject's assessment be reduced to \$59,994.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$77,465. The subject's assessment reflects a market value of \$233,469 or \$102.76 per square foot of building area, land included, when using the 2015 three-year average median level of assessment for Lake County of 33.18% 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, 1-story building and three, 1.5-story buildings of frame or brick/masonry construction that ranged in size from 1,440 to 3,542 square feet of building area. The buildings were constructed from 1923 to 1972 and were located in Lake Zurich, Barrington and Long Grove. Three of the comparables had basements. The properties had sites ranging in size from 6,534 to 9,000 square feet of land area with land to building ratios

ranging from 2.47:1 to 9.09:1. The sales occurred from December 2014 to December 2015 for prices of \$245,000 and \$250,000 or from \$69.32 to \$170.14 per square foot of building area, including land.

In rebuttal the board of review argued that the appellants' appraisal comparable sales were from 2012 and 2013. It also argued the appraisal had an effective date that was prior to the January 1, 2015 assessment date. As a final point the board of review asserted the conclusion of value in the appraisal of \$80.00 per square foot was below the range established by the sales of \$85.67 to \$139.13 per square foot of building area.

The board of review requested the subject's assessment be sustained.

The appellant's counsel submitted rebuttal to the Lake County Board of Review evidence critiquing the sales used by the board of review.

### **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.

Initially, the Board gives little weight to the conclusion of value contained in the appellants' appraisal. The report was identified as a restricted use appraisal done for lending purposes to be used only by the client, Inland Bank and Trust and Mountainseed Appraisal Management, as their agent. The report further stated that it omitted many of the elements which would be included in a self-contained report of an appraisal and should not be relied upon by individuals not familiar with the limitations imposed upon our assignment. For these reasons the Property Tax Appeal Board finds little weight can be given to the conclusion of value contained in the appellants' restricted use appraisal report.

The record contains nine comparable sales that had varying degrees of similarity to the subject property. The sales occurred from April 2012 to December 2015 for prices ranging from \$169,000 to \$640,000 or from \$69.32 to \$170.14 per square foot of living area, including. The sales that occurred most proximate in time to the assessment date had prices of \$245,000 and \$250,000 or from \$69.32 to \$170.14 per square foot of building area, including land. The subject's assessment reflects a market value of \$233,469 or \$102.76 per square foot of living area, including land, which is within the range established by the sales in the record. Based on this evidence the Board finds the subject's assessment is reflective of the property's market value and 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



Acting 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: \_\_\_\_\_

August 18, 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.