



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

APPELLANT: Larry Spatz and Eretz Properties
DOCKET NO.: 15-03644.001-R-1
PARCEL NO.: 16-35-301-009

The parties of record before the Property Tax Appeal Board are Larry Spatz and Eretz Properties, the appellants, by attorney Jeffrey G. Hertz of Sarnoff & Baccash, in Chicago; 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: \$ 49,892
IMPR.: \$119,355
TOTAL: \$169,247

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 consists of a one-story dwelling of brick exterior construction that has 2,625 square feet of living area. The dwelling was constructed in 1961. The home features a basement with 1,195 square feet of finished area, central air conditioning, a fireplace and a 529 square foot garage. The subject has a 21,851 square foot site. The subject property is located in Moraine Township, Lake County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation and assessment inequity as the bases of the appeal. In support of overvaluation argument, the appellants submitted information pertaining to the sale of the subject property. The appellants partially completed Section IV of the residential appeal petition. The appeal petition depicts the subject property sold for \$450,000 in September 2013. The sale did not involve family or related

parties and the property was advertised through the Multiple Listing Service. The appellants submitted the settlement statement associated with the sale of the subject property.

In support of the contention the subject dwelling was inequitably assessed, the appellants submitted three assessment comparables located within .18 of a mile from the subject. The comparables are comprised of one-story dwellings of brick or wood siding exterior construction that were built in 1953 or 1961, with comparables #1 and #3 having effective ages of 1969 and 1962, respectively. Comparable #1 has a partial unfinished basement, comparable #2 has a full unfinished basement, and comparable #3 has a partial basement with 710 square feet of finished area. All the comparables have central air conditioning and a garage that contain 483 or 504 square feet of building area. Comparables #2 and #3 have two fireplaces. The dwellings contain 2,535 or 2,688 square feet of living area and have improvement assessments ranging from \$88,156 to \$103,238 or from \$32.80 to \$40.59 per square foot of living area.

Based on this evidence, the appellants 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 property of \$169,247. The subject's assessment reflects an estimated market value of \$510,087 or \$194.32 per square foot of living area including land area when applying Lake County's 2015 three-year average median level of assessment of 33.18%.

In support of the subject's assessment, the board of review submitted four comparable properties located within .17 of a mile from the subject. The comparables are comprised of one-story dwellings of brick or stone and wood siding exterior construction that were built from 1962 to 1964, with comparables #1 and #3 having effective ages of 1968 and 1963, respectively. Comparable #1 has a partial basement with 1,105 square feet of finished area and three comparables have unfinished basements. All the comparables have central air conditioning and a garage that contains from 440 to 506 square feet of building area. Comparables #1 through #3 have one or two fireplaces. The dwellings range in size from 2,210 to 2,957 square feet of living area and have improvement assessments ranging from \$98,273 to \$138,255 or from \$44.00 to \$46.76 per square foot of living area. Comparables #1 and #3 sold in January 2015 and November 2014 for prices of \$621,800 and \$665,000 or \$210.28 and \$232.44 per square foot of living area including land, respectively.

With respect to the appellants' evidence, the board of review argued comparables #1 and #3 have 49.1% and 48% less basement area and comparables #1 and #2 have unfinished basements compared to the subject's larger, partially finished basement. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation as a basis of the appeal. 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.

The Board gave less weight to the subject's April 2013 sale price. The Board finds the subject's sale is dated and less indicative of market value as of the January 1, 2015 assessment date.

The board of review submitted two comparable sales for the Board's consideration with varying degrees of similarity when compared to the subject in location, land area, design, age, dwelling size and most features.¹ They sold in January 2015 and November 2014 for prices of \$621,800 and \$665,000 or \$210.28 and \$232.44 per square foot of living area including land, respectively. The subject's assessment reflects an estimated market value of \$510,087 or \$194.32 per square foot of living area including land, which is less than the comparable sales contained in the record. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction in the subject's assessment is warranted based on overvaluation.

The taxpayers also argued assessment inequity as an alternative basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants failed to meet this burden of proof.

The record contains seven assessment comparables for the Board's consideration. The Board gave less weight to the comparables submitted by the appellants. Comparable #2 is older in age than the subject. Comparable #1 and #3 have considerably less basement area when compared to the subject. The Board finds the comparables submitted the board of review are more similar when compared to the subject in location, design, age, dwelling size and most features than those comparables submitted by the appellants. They have improvement assessments ranging from \$98,273 to \$138,255 or from \$44.00 to \$46.76 per square foot of living area. The subject property has an improvement assessment of \$119,355 or \$45.47 per square foot of living area, which falls within the range established by the most similar assessment comparables contained in the record. Of these four comparables, the Board finds the three comparables with unfinished basements have lower per square foot improvement assessments while the one comparable that has a finished basement has a greater per square foot improvement assessment than the subject. After considering adjustments to the comparables for any differences when compared to the subject, the Board finds the subject's improvement assessment is supported. Therefore, no reduction in the subject's assessment is warranted.

¹ Comparable #3 has an inferior unfinished basement when compared to the subject.

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



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:

October 20, 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 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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