



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

APPELLANT: Mark Timm
DOCKET NO.: 16-02922.001-R-1
PARCEL NO.: 02-28-201-125

The parties of record before the Property Tax Appeal Board are Mark Timm, the appellant, by attorney Michael R. Davies, of the Law Offices of Michael R. Davies, Ltd. in Oak Lawn; 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: \$5,303
IMPR.: \$32,884
TOTAL: \$38,187

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 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 two-story dwelling of frame construction with 1,396 square feet of living area. The dwelling was constructed in 1999. Features of the home include a concrete slab foundation, central air conditioning and an attached 400 square-foot garage. The property has a 2,614 square-foot site and is located in Lake Villa, Lake Villa Township, Lake County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation claim, the appellant submitted limited descriptive information for six comparable sales.¹ The properties have either 2,614 or 10,628

¹ The Board requested the appellant to complete the grid analysis in Section V of the appeal petition. The appellant failed to comply with the Board's request.

square feet of land area and were reported as being located from 0.01 to 0.40 of a mile from the subject. The comparables were reported to consist of one or two-story dwellings that were built from 1999 to 2007. The comparables were reported to have two or three bathrooms, and one of the comparables was reported to have two bedrooms. The appellant failed to disclose the comparables' exterior construction, foundation type or features such as central air conditioning, fireplaces or garages. The dwellings were reported to range in size from 1,188 to 1,588 square feet of living area. The comparables sold from December 2012 to October 2014 for prices ranging from \$62,000 to \$104,000 or from \$47.26 to \$87.54 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$20,667.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$38,187. The subject's assessment reflects an estimated market value of \$115,160 or \$82.49 per square foot of living area, land included, when applying the 2016 three-year average median level of assessment for Lake County of 33.16%.

The board of review presented information on four comparable sales.² The properties have the same neighborhood code as the subject and were reported as being located from 0.035 to 0.133 of a mile from the subject. Two of the properties have 2,613 and 2,614 square feet of land area. The comparables are improved with two-story dwellings of frame construction. The dwellings were constructed in 1999, and each dwelling has 1,396 square feet of living area. Each dwelling has a concrete slab foundation, central air conditioning and an attached garage with 400 square feet of building area. The comparables sold from May 2014 to November 2016 for prices ranging from \$120,500 to \$138,500 or from \$86.32 to \$99.21 per square foot of living area, land included. As part of the submission, the board of review submitted a memorandum regarding a reduction in the subject's assessment for the 2015 tax year. In the memorandum, the clerk of the Lake County Board of Review stated the subject property is **not** owner-occupied and 2015 was the beginning of the most recent assessment cycle. The board of review explained the subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2015 tax year in which the assessment was reduced to \$35,665. However, the clerk also stated that an equalization factor of 1.0707 was applied to non-farm property in the Lake Villa Township for the 2016 tax year. The subject's 2016 assessment is the product of the assessment as established by the Property Tax Appeal Board for the 2015 tax year and the 2016 equalization factor. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The Property Tax Appeal Board takes notice that it rendered a decision under docket number 15-02479.001-R-1 lowering the total assessment of the subject property to \$35,665. The Property Tax Appeal Board also recognizes that section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides that the prior year's decision lowering the assessment shall be carried forward to the subsequent assessment year, subject only to equalization, where the property is an owner-occupied residence and the tax years are within the same general assessment period. The Board finds the board of review submitted evidence that indicated the subject property was not

² The board of review's information consisted of a completed grid analysis, photographic evidence and property records for the subject and their comparable sales.

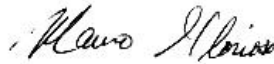
owner-occupied, which was not refuted by the appellant. Since the appellant is not entitled to have the subject property's 2015 assessment carried forward to the 2016 tax year, the Board will instead examine the evidence submitted by the parties.

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 parties presented sale prices for ten comparable properties. The Board finds the appellant's six comparables sold from December 2012 to October 2014. The Board gave less weight to these comparables, because these sales were considered to be dated in relation to the January 1, 2016 assessment date. Board of review comparable #4 also received less weight due to its October 2014 sale date.

The Board finds the best evidence of market value in the record to be board of review comparables #1 through #3. The Board finds these properties were very similar to the subject in location, design, exterior construction, age, living area and features. Moreover, they sold proximate to the January 1, 2016 assessment date. Board of review comparables #1 through #3 sold from November 2015 to November 2016 for prices ranging from \$125,000 to \$138,500 or from \$89.54 to \$99.21 per square foot of living area, land included. The subject's assessment reflects a market value of 115,160 or \$82.49 per square foot of living area, land included, which falls below the range established by the best comparable sales in this record. Based on this record, the Board finds the appellant was not able to demonstrate that the subject was overvalued 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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 21, 2018



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

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