



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

APPELLANT: Jeff Fraas
DOCKET NO.: 16-03915.001-R-1
PARCEL NO.: 05-09-408-065

The parties of record before the Property Tax Appeal Board are Jeff Fraas, the appellant, 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: \$26,130
IMPR.: \$40,531
TOTAL: \$66,661

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 one-story dwelling of frame exterior construction with 1,158¹ square feet of living area. The dwelling was constructed in 1948. Features of the home include a crawl space foundation, central air conditioning and a 1-car carport. The property has a 7,828 square foot site with 49 feet of lake frontage and is located in Fox Lake, Grant Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report and information on three gridded comparable sales. The appraisal was prepared by Steven C. Paquet, a Certified Residential Real Estate Appraiser. The

¹ The parties differ slightly as to the dwelling size of the subject. The Board finds the small discrepancy will not impact the Board's decision in this appeal.

purpose of the appraisal was to estimate fair market value as of February 14, 2017 for the owner of the subject property. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. Under the sales comparison approach to value the appraiser used three comparables sales described as ranch style dwellings ranging in size from 882 to 1,586 square feet of living area and which are located within .44 of a mile of the subject property. The properties range in age from 67 to 79 years old. Each comparable has central air conditioning; two comparables each have a fireplace; and one comparable has a five-car garage. The comparables sold from April to July 2016 for prices ranging from \$162,000 to \$210,000 or from \$119.80 to \$238.10 per square foot of living area, including land. After considering adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$160,000.

In further support of the overvaluation argument, the appellant submitted information on three gridded comparable sales located within .57 of a mile of the subject, one of which was included in the appraisal. Appellant's comparable sale #3 was the same property as appellant's appraisal comparable sale #1. Comparables #1 and #2 are described as one-story dwellings of wood siding exterior construction with either 1,207 or 1,060 square feet of living area, respectively. The dwellings were constructed in 1952 and 1945. Comparable #1 has an effective age of 1993. The comparables have basements, with one having finished area; central air conditioning; and a garage with either 286 or 480 square feet of building area. Comparable #2 also has one fireplace. The comparables are situated on sites of 5,550 or 7,100 square feet of land area. The comparables sold in September and April 2015 for prices of \$135,000 and \$178,000 or for \$111.85 and \$167.92 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject property's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$66,661. The subject's assessment reflects a market value of \$201,028 or \$173.60 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Lake County of 33.16% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review submitted a memo critiquing the appellant's evidence. The board of review argued appellant's gridded sale #1 represents a sale between relatives and was not listed on the Multiple Listing Service (MLS). Appellant's gridded sale #2 was an estate sale that sold "as is" and "needs TLC" per the MLS listing sheet. Appraisal sale #1 which is the same as appellant's gridded sale #3 is a waterfront site like the subject and has 41.7% less land area than the subject. The board of review notes that the appraiser made a conservative land adjustment to this comparable for its considerably larger lot size when compared to the subject's lot size. This also was an estate sale that sold in "as is" condition per the MLS listing sheet submitted by the board of review.

In support of the subject's assessment, the board of review provided four gridded comparable sales and a map depicting the location of the comparables. The comparables are described as one-story dwellings of wood siding exterior construction ranging in size from 1,144 to 1,200 square feet of living area and were constructed from 1928 to 1945. Two comparables have basements, with one having finished area; two comparables have crawl space foundations and central air conditioning; and three comparables each have a garage ranging in size from 400 to

528 square feet of building area. The comparables are situated on sites ranging in size from 5,889 to 12,558 square feet of land area with each having lake frontage ranging from 25 to 58 feet. The comparables sold from May 2014 to July 2016 for prices ranging from \$162,000 to \$265,000 or from \$135.00 to \$231.64 per square foot of living area, including land. The board of review comparable #4 was submitted by the appellant as appraisal comparable #2. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

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 a reduction in the subject's assessment is not warranted.

As an initial matter regarding the appellant's appraisal, the Board gave little weight to the value conclusion in the appellant's appraisal dated February 14, 2017 which is 14 months after the January 1, 2016 assessment date and less probative of the subject's market value as of the assessment date at issue. However, the Board will look at the raw sales data utilized in the report.

The Board finds the parties submitted eight comparable sales for the board's consideration which includes the common comparable and the appellant's comparable that was submitted twice. The Board gave less weight to appellant's appraisal comparable #1 for its significantly larger lot size and superior 5-car garage when compared to the subject. The Board also gave less weight to the appellant's gridded comparable sales #1 and #2. Comparable sale #1 was a sale between relatives which was unrefuted by the appellant and comparable sale #2 needed "TLC" per the MLS listing which calls into question the condition of the property at the time of the sale. The Board gave less weight to board of review comparables #1 and #2 that have superior basement foundations when compared to the subject.

The Board finds the best evidence of market value to be the parties' common comparable, appellant's appraisal comparable sale #3 along with board of review comparable #3. These comparables sold proximate in time to the subject's January 1, 2016 assessment date and are similar to the subject in location, design, age and features. The properties sold from October 2015 to July 2016 for prices ranging from \$162,000 to \$239,000 or from \$135.00 to \$238.10 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$201,028 or \$173.60 per square foot of living area including land, which falls within the range established by the most similar 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 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: January 21, 2020



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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