



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

APPELLANT: John Swift
DOCKET NO.: 16-03968.001-R-1
PARCEL NO.: 11-27-401-050

The parties of record before the Property Tax Appeal Board are John Swift, the appellant, by attorney Andrew J. Rukavina, of The Tax Appeal Company in Mundelein; 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: \$34,502
IMPR.: \$291,045
TOTAL: \$325,547

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 brick exterior construction with 7,358 square feet of living area. The dwelling was constructed in 1950. Features of the home include an unfinished basement, central air conditioning, three fireplaces and a 947-square foot attached garage. The property has a 6.33-acre site and is located in Mettawa, Libertyville Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$940,000 as of January 1, 2016. The appraisal was prepared by Steven L. Smith, a certified residential real estate appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

Under the sales comparison approach, the appraiser analyzed four comparable sales located from .06 to 2.38 miles from the subject property. The comparables consist of one, one-story and three, two-story dwellings that range in age from 12 to 63 years old. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 4,040 to 6,062 square feet of living area and are situated on sites that range in size from 4.65 to 10.58 acres. The comparables sold from August 2013 to January 2016 for prices ranging from \$650,000 to \$1,500,000 or from \$148.67 to \$256.33 per square foot of living area including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$911,900 to \$956,700. The appellant requested the total assessment be reduced to \$313,302 which would reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$325,547. The subject's assessment reflects an estimated market value of \$981,746 or \$133.43 per square foot of living area including land when applying Lake County's 2016 three-year average median level of assessment of 33.16% as determined by the Illinois Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(1).

In support of the subject's assessment, the board of review submitted information on three comparable sales¹ located within 2.38 miles from the subject property. The comparables consist of one, 1.75-story and two, 2.0-story dwellings that were built from 1950 to 2005. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 3,714 to 6,092 square feet of living area and are situated on sites that range in size from 78,976 to 214,093 square feet of land area. The comparables sold from March to December of 2015 for prices ranging from \$1,050,813 to \$1,500,000 or from \$238.58 to \$282.93 per square foot of living area including land. The board of review submission included property record cards for the subject and its three comparable sales. Board of review sale #3 was the same comparable as the appellant's appraisal comparable #1.

The board of review submission also included three vacant land sales located within .60 of a mile from the subject property. The comparables range in size from 200,759 to 295,263 square feet of land area. Two of the comparables sold July 2015 and August 2017 for \$415,000 and \$510,820. Comparable #3 was listed in December of 2015 for a price of \$515,000.

Furthermore, the board of review submission included a memo asserting that two of the appellant's appraisal comparable sales sold in 2013 and 2014. The board of review also argued that the appraisal's site size adjustment was too conservative. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant critiqued the board of review's submission.

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

¹ The appellant's appraisal comparable sale #1 and the board of review's comparable sale #3 appears to depict the same property.

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 record contains an appraisal submitted by the appellant and information on three comparable sales and three vacant land sales provided by the board of review. The Board gives the final opinion of value found in the appraisal little weight due to lack of adjustments for date of sale in relation to a 2016 market value date. The Board will consider the raw sales data.

The Board gave less weight to the appellant's appraisal comparable sales #2 and #4 due to their 2013 or 2014 sale dates which are not proximate in time for the January 1, 2016 assessment date at issue. The Board also gave little weight to the board of review's comparable sales #1 and #2 due to their significantly smaller dwelling size. The Board finds the appellant's appraisal comparable sales #1 and #3 and the board of review's comparable sale #3 sold more proximate in time to the subject's assessment date and are more similar to the subject in location, age, dwelling size and features. They sold June 2015 and January 2016 for \$749,000 and \$1,500,000 or \$185.40 and \$247.44 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$981,746 or \$133.43 per square foot of living area including land, which falls between the most similar comparable sales contained in the record on a total market value basis and well below the range on a per square foot basis. Based on this evidence the Board finds the subject is not overvalued and a reduction in the 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: September 18, 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

AGENCY

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