



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

APPELLANT: Ken Edwards
DOCKET NO.: 16-03970.001-R-1
PARCEL NO.: 10-33-202-001

The parties of record before the Property Tax Appeal Board are Ken Edwards, 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 A Reduction 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: \$36,163
IMPR.: \$139,585
TOTAL: \$175,748

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 wood exterior construction with 4,798 square feet of living area. The dwelling was constructed in 2005. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 693-square foot attached garage. The property has an 18,003-square foot site that backs up to a golf course and is located in Hawthorn Woods, Fremont 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 \$530,000 as of January 1, 2016. The appraisal was prepared by William P. Neberieza, 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 three comparable sales located from .50 to .73 of a mile from the subject property. The comparables consist of two-story dwellings that range in age from 12 to 36 years old. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 4,063 to 4,666 square feet of living area and are situated on sites that range in size from 40,010 to 44,951 square feet of land area. The comparables sold from May 2015 to June 2016 for prices ranging from \$444,000 to \$475,000 or from \$101.80 to \$114.69 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 \$501,600 to \$532,800. The appellant requested the total assessment be reduced to \$176,649 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 \$209,997. The subject's assessment reflects an estimated market value of \$633,284 or \$131.99 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 four comparable sales located within .40 of a mile from the subject property. The comparables consist of two-story dwellings that were built from 2005 to 2007. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 4,641 to 4,918 square feet of living area and are situated on sites that range in size from 19,820 to 28,898 square feet of land area. The comparables sold from June 2014 to July 2016 for prices ranging from \$635,000 to \$890,000 or from \$129.12 to \$185.42 per square foot of living area including land. The board of review submission included property record cards for the subject and its four comparable sales.

The board of review submission also included maps and a memo asserting that the subject property has a golf course site with a premium view. 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 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 met this burden of proof and a reduction in the subject's assessment is warranted.

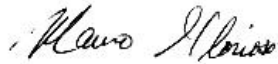
The Board finds the best evidence of market value to be the January 1, 2016, appraisal submitted by the appellant, estimating the subject property had a market value of \$530,000. The appellant's appraiser developed the sales comparison approach to value. The comparable sales were adjusted for differences in size, age, lack of a golf course view and other features when compared to the subject property. The subject's assessment reflects a market value above the

best evidence of market value in the record. Based on this evidence, the Board finds the subject is overvalued and a reduction in the subject's assessment is justified. Since market value has been established, the three-year median level of assessments for Lake County for 2016 of 33.16% shall be applied.

The Board gave little weight to the board of review's comparable sale #1 due to its finished basement when compared to the subject's unfinished basement. The Board also gave less weight to the board of review's comparable sales #2 and #4 due to their 2014 sale dates which are less proximate in time to the January 1, 2016 assessment date at issue. Furthermore, the Board gave little weight to the remaining board of review comparable sale since one unadjusted comparable sale in this record does not overcome the appellant's appraisal report.

In addition, as to the board of review's contention that the appellant's appraisal comparable sales lack of a golf front view should be considered in supporting the market value of the subject property, the Board finds the board of review failed to establish the actual impact, if any, upon market value with their evidentiary submission. The record contains no market evidence to support the board of review's claim regarding the location of the appellant's comparables.

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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