



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

APPELLANT: Don & Marion Kay
DOCKET NO.: 16-04708.001-R-1
PARCEL NO.: 10-35-101-016

The parties of record before the Property Tax Appeal Board are Don & Marion Kay, the appellants, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; 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: \$82,362
IMPR.: \$191,603
TOTAL: \$273,965

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 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 brick exterior construction with 4,062 square feet of living area. The dwelling was constructed in 1985. Features of the home include a partial basement with finished area, central air conditioning, two fireplaces and a 1,099 square foot garage. The property has an 87,419 square foot lakefront site and is located in Mundelein, Fremont Township, Lake County.

The appellants contend both overvaluation and contention of law as the basis of the appeal. In support of the overvaluation argument the appellants submitted information on three comparable sales that are non-lakefront properties located from approximately .193 to .336 of a mile from the subject property.¹ The comparables consist of one-story dwellings of brick exterior construction

¹ The appellants' grid analysis was void of information pertaining to the comparables locations in relation to the subject property, which was drawn from the evidence provided by the board of review.

ranging in size from 3,612 to 3,968 square feet of living area. The dwellings were constructed from 1986 to 1990. Each comparable has a basement with finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 625 to 874 square feet of building area. The comparables have sites ranging in size from 42,895 to 85,030 square feet of land area. The comparables sold from October 2014 to April 2016 for prices ranging from \$499,900 to \$562,000 or from \$131.41 to \$148.67 per square foot of living area, including land. Based on the comparable sales evidence, the appellants requested a reduction in the subject's assessment.

In support of the contention of law, counsel for the appellant submitted a brief contending in accordance with the Property Tax Code that the subject's estimated market value should be reduced to 33.33% of the average comparable sales provided in the grid analysis.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$273,965. The subject's assessment reflects a market value of \$826,191 or \$203.40 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 support of its contention of the correct assessment, the board of review submitted information on three comparable sales that are lakefront properties located from .266 to .977 of a mile from the subject property. The comparables were improved with one-story dwellings of brick or stone exterior construction that range in size from 2,973 to 6,852 square feet of living area. The dwellings were constructed from 1982 to 2008. Each comparable has a basement with finished area, central air conditioning, one to four fireplaces and a garage ranging in size from 907 to 1,564 square feet of building area. The comparables have sites ranging in size from 83,371 to 133,293 square feet of land area. These properties sold from June 2013 to August 2016 for prices ranging from \$750,000 to \$1,400,000 or from \$204.32 to \$276.73 per square foot of living area, including land. Based on the comparable sales evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant argued that the sales presented by the board of review consist of raw, unadjusted sales comparables with no supporting documentation to establish the property had been listed on the open market and equity data for uniformity purposes. Moreover, the dissimilar dwelling sizes of the board of review comparables are not comparable to the subject.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The parties submitted six comparable sales for the Board's consideration. The Board finds that neither party submitted comparables that were particularly similar to the subject, due to

significant differences to the subject in land area, location, age and/or dwelling size. The Board gave less weight to appellants' comparable #1 and board of review comparable #1 as their 2013 and 2014 sales are somewhat dated and less likely to reflect the subject's market value as of the January 1, 2016 assessment date. Additionally, the Board gave less weight to board of review comparable #3 due to its substantially larger dwelling size when compared to the subject.

The Board finds the best evidence of market value to be appellants' comparable sales #2 and #3, along with board of review comparable sale #2. Despite that the appellants' two comparables are non-lakefront properties and the board of review comparable is newer in age when compared to the subject, these homes are similar in dwelling size, design and some features. These comparables sold more proximate in time to the subject's January 1, 2016 assessment date. They sold from July 2015 to April 2016 for prices ranging from \$537,000 to \$950,000 or for \$141.63 to \$276.73 per square foot of living area, including land. The subject's assessment reflects a market value of \$826,191 or \$203.40 per square foot of living area, including land, which falls within the range established by the best comparable sales in this record. After considering adjustments to the comparable sales for location, land area and differences when compared to the subject, the Board finds no reduction in the subject's estimated market value as reflected by its assessment is 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: March 19, 2019



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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