



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

APPELLANT: John Sehring
DOCKET NO.: 16-04757.001-R-1
PARCEL NO.: 07-07-111-003

The parties of record before the Property Tax Appeal Board are John Sehring, 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: \$20,358
IMPR.: \$101,022
TOTAL: \$121,380

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 siding and brick exterior construction with 3,152 square feet of living area. The dwelling was constructed in 2003. Features of the home include a 90% finished basement, central air conditioning, a fireplace and a three-car garage containing 638 square feet of building area. The property has an approximately 9,760 square foot site and is located in Lake Villa, Warren Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared by Peter J. Soukoulis for an appeal of the *ad valorem* assessment and estimated the subject property had a market value of \$310,000 as of January 1, 2016.

As to the subject dwelling, the appraiser reported actual age and effective age of the subject were identical; he noted the home was mostly in original condition with some minimal updates. Soukoulis found no physical, functional or external problems upon his inspection of the premises. The appraiser reported the sale history of the subject indicating the property sold in February 2013 for \$352,000.

Using the sales comparison approach, Soukoulis analyzed three comparable sales which were located within .27 of a mile from the subject. The comparables have sites that range in size from 9,801 to 12,197 square feet of land area and were improved with two-story brick and frame dwellings that were either 13 or 19 years old. The subject and sales #1 and #2 each back to a retention area. Each comparable and the subject were described as having an "average" condition and an "average" functional utility. The homes range in size from 3,278 to 3,694 square feet of living area. Each home features a full basement, two of which have finished areas, central air conditioning and a three-car garage. The comparables sold from April 2015 to March 2016 for prices ranging from \$345,000 to \$368,000 or from \$99.00 to \$105.25 per square foot of living area, land included.

The appraiser applied adjustments to the comparables for differences when compared to the subject. The adjustment for view or retention area backing was further described as "viewed as a negative to families with young children and brokers report that homes backing to retention areas are harder to sell." Additional adjustments were made for differences in bathroom count, dwelling size and/or lack of a finished basement. Through this process, Soukoulis opined adjusted sales prices ranging from \$327,100 to \$361,000 or from \$91.22 to \$110.13 per square foot of living area, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$310,000 or \$98.35 per square foot of living area, including land, which reflects the median of the adjusted sale prices as of January 1, 2016.

Based on this evidence, the appellant requested a total assessment reflective of the appraised value conclusion at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$121,380. The subject's assessment reflects a market value of \$366,043 or \$116.13 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 appraisal evidence, the board of review submitted a memorandum outlining several criticisms of the appraisal. In the appraisal comparable sales grid, the subject dwelling is noted as lacking a finished basement despite that in the description of the subject, the basement is reported as 90% finished in the subject dwelling. The board of review also disputes the description that appraisal sale #2 has a finished basement in light of a Multiple Listing Service (MLS) data sheet and assessing records noting an unfinished basement. Appraisal sale #3 is located in a different subdivision than the subject dwelling.

As to the subject dwelling, the board of review reports two recent sales which support the subject's current assessment. The subject sold in May 2017 for \$387,000 or \$122.78 per square

foot of living area, including land, and also sold in 2013 for \$360,000 or \$114.21 per square foot of living area, including land.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales, where board of review comparable #1 is the same property as appraisal sale #1 and board of review comparable #3 is the same property as appraisal sale #2. Along with property record cards for the subject and each of its comparables, the board of review supplied MLS data sheets for the recent sales of the subject and its comparables. The documentation indicates the four comparables were on the market ranging from 20 to 166 days prior to being sold. The comparables were located within .191 of a mile from the subject. The comparables have sites that range in size from 9,498 to 10,888 square feet of land area and were improved with two-story dwellings of wood siding exterior construction that were either 12 or 13 years old. The subject and each of the comparables are located within the same subdivision. The homes range in size from 2,600 to 3,654 square feet of living area. Each home features an unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 682 to 693 square feet of building area. The comparables sold from February 2015 to February 2016 for prices ranging from \$303,000 to \$368,000 or from \$100.71 to \$116.54 per square foot of living area, land included. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, besides pointing out the common sales presented by both parties, the appellant contended that board of review sale #2 was an unqualified short sale.

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.

The appellant submitted an appraisal of the subject property and the board of review submitted four suggested comparable sales, two of which were contained within the appraisal report, in order to support their respective positions before the Property Tax Appeal Board. The primary disagreement between the parties as to the common comparable properties concerns the basement finish for appraisal sale #2/board of review comparable #3. In the absence of rebuttal evidence, the Board accepts the MLS data sheet depicting that appraisal sale #2 had an unfinished basement as of the date of sale in April 2015. The Board finds the lack of basement finish in this dwelling would necessitate an upward adjustment of \$25,000 similar to that applied to appraisal sale #1; the resulting adjusted sale price of appraisal sale #2 would be \$376,700 or \$101.98 per square foot of living area, including land.

The Board has also given little consideration to the February 2017 sale of the subject property as reported by the board of review as this issue presented in this appeal is the best market value evidence proximate in time to January 1, 2016 in order to determine whether the subject's assessment overvalued the property or properly valued the property. The subject's sales price in

mid-2017 for \$387,000 does, however, suggest the property's greater comparability to appraisal sales #1 and #2 which are also board of review sales #1 and #3, respectively.

Having thoroughly examined the appraisal and the board of review's submissions concerning the comparable properties in the appraisal, the Board finds the appraisal report understates the adjusted sale price of appraisal sale #2 due to the finished basement error discussed above. As such, the Board finds the reliability and credibility of the appraisal's value conclusion has been diminished and the Board cannot rely upon the value conclusion set forth in the appraisal report. Thus, the Board will examine the raw sales data contained within the appraisal report along with the board of review comparable sales data.

The record contains a total of five comparable sales to support the parties' respective positions. The Board has given reduced weight to board of review comparable #4 as this property is the smallest dwelling when compared to the other sales in the record. The remaining four comparables have varying degrees of similarity to the subject dwelling with the primary difference being in whether the basement has finished area or not as compared to the subject's finished basement. These four comparables sold for prices ranging from \$345,000 to \$368,000 or from \$99.00 to \$110.54 per square foot of living area, including land. The subject's assessment reflects a market value of \$366,043 or \$116.13 per square foot of living area, including land, which is above the best market value evidence in the record on a per-square-foot basis which appears to be logical given the subject's superior basement finish as compared to the comparable dwellings. Having thoroughly examined the data presented by the parties, the Board finds a reduction in the subject's assessment is not warranted on grounds of overvaluation.

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 18, 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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