



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

APPELLANT: Bernis Stewart-Corchado Associates  
DOCKET NO.: 16-04947.001-R-1  
PARCEL NO.: 04-21-409-012

The parties of record before the Property Tax Appeal Board are Bernis Stewart-Corchado Associates, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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:** \$3,683  
**IMPR.:** \$20,978  
**TOTAL:** \$24,661

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 2.5-story dwelling of aluminum siding exterior construction with 2,361 square feet of living area. The dwelling was constructed in 1904. Features of the home include a full unfinished basement and central air conditioning. The property has a 7,600 square foot site and is located in Zion, Zion Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence in Section IV of the appeal petition disclosing the subject property was purchased on April 8, 2015 for a price of \$13,000. The appellant reported the property was not a transfer between family or related corporations, the property was advertised for sale with the Multiple Listing Service and a Realtor was involved in the transaction. A copy of a listing sheet for the subject property was provide indicating a marketing time of 8 days and an original list price of \$31,920. The property was also noted as uninsured, "sold as is" and REO/Lender

Owned.<sup>1</sup> Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price of \$13,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,661. The subject's assessment reflects a market value of \$74,370 or \$31.50 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 a brief, copies of three building permits dated in June 2015, an occupancy permit dated August 2015 and information on three comparable sales. The board of review contends that the occupancy permit was issued after the property was converted back to a detached single-family dwelling as required by city ordinance. The board of review further contends that the subject property was listed on February 2, 2018 with the Multiple Listing Service with a contingency contract pending. The listing describes the home as having a recently updated kitchen and new windows throughout along with the age including "Rehab in 2017." The listing price is \$102,000 and the property was on the market for 220 days. (Copy of listing and MLS printout provided).

The grid analysis contains three comparable sales located within  $\frac{3}{4}$  of a mile of the subject property. The comparables consist of two-story frame or brick dwellings that were built between 1900 and 1913. The comparables range in size from 2,066 to 2,278 square feet of living area with full unfinished basements. One comparable has central air conditioning, two comparables each have a fireplace and two comparables have garages of 324 and 400 square feet of building area, respectively. The comparables sold between June 2015 and January 2016 for prices ranging from \$74,000 to \$117,900 or from \$35.82 to \$56.14 per square foot of living area, including land.

Based upon the assertion that the August 2015 sale price of \$13,000 no longer reflects the market value of the subject property as of the January 1, 2016 assessment date, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's legal counsel argued that mere repairs and maintenance under Section 10-20 of the Property Tax Code (35 ILCS 200/10-20) shall not increase the value of the property unless square footage is added. Since there is no claim that square footage was added, the appellant argues that any improvements should be considered repairs and maintenance and result in no added value.

As to the current listing evidence, since it occurred approximately 30 months after the lien date at issue with a marketing time of 220 days and has not yet sold, this evidence should be deemed irrelevant. Additionally, since the basis of appeal was recent sale, the appellant argues that "only evidence relevant to the appeal basis may be considered." (Citing provisions of the administrative rules and the Property Tax Code). Counsel asserts that the board of review

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<sup>1</sup> In response to notification of an incomplete appeal filing, the appellant's counsel forwarded additional documentation which highlighted the appellant's "rerecorded deed" as of May 8, 2015 which indicated that the April 8, 2015 sale price was \$18,000.

"presented no such relevant evidence." Should the Board consider the board of review's comparable sales as relevant evidence, the appellant contends the comparables are not similar enough to the subject property to overcome the sale price of the subject. Differences between the subject and the comparables in garage amenity and/or dwelling size were noted by the appellant's rebuttal filing.

### **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, the Property Tax Appeal Board finds that the appellant made a market value argument contending that the recent sale price of the subject property is the best indication of its value. In response thereto, the Lake County Board of Review provided data concerning the subject property along with comparable market value evidence of recent sales of similar properties. To the extent that the board of review presented data concerning a subsequent listing of the subject property with a date of February 2018, that data is found to be too remote in time to the valuation date to given consideration. However, given that both parties presented market value based arguments of recent sale and comparable sales, the Property Tax Appeal Board finds that the appellant's contention that the administrative rules and/or statutory authority of the Board have been violated by the evidentiary filing made by the board of review lacks merit.

The Board finds the best evidence of market value in the record to be consideration of the subject's recorded May 2015 purchase price of \$18,000 along with the amount the appellant reportedly spent in renovating the subject property as depicted in the June 2015 building permits along with comparable sale #2 submitted by the board of review.

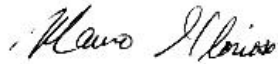
The three building permits obtained by the appellant for the subject property provide as follows: (1) convert to single family, update plumbing and electric to code, repair siding, repair deck, new window in bathroom with an estimated value of \$17,800; (2) a residential electric permit to upgrade from 100 AMP to 200 AMP with a single phase 40 space panel breaker, smoke and carbon monoxide detectors and remove illegal wiring with an estimated value of \$4,800; and (3) a plumbing permit described as "repipe hot and cold copper pipe that was stolen" at an estimated value of \$5,000. Thus, the reported purchase price along with the three permits reflect a total investment of \$45,600, not including the permit fees. In light of the details set forth in these building permits, the Board has given little weight to the appellant's argument that the changes to the subject property were mere repairs and maintenance. Section 10-20 of the Code specifically states, in part, "[m]aintenance and repairs, as those terms are used in this Section, to property that enhance the overall exterior and interior appearance and quality of a residence by restoring it from a state of disrepair to a standard state of repair do not 'materially alter the existing character and condition' of the residence." In rebuttal, the appellant had the opportunity to address why the foregoing provision was applicable to the subject property and the rebuttal was presented as a cursory assertion that without the addition of square footage "any improvements made should be

considered repairs and maintenance." The Board finds that converting the subject dwelling to a single family residence along with all the other detailed work that was performed has materially altered the subject property from its condition as of the date of purchase to the assessment date of January 1, 2016.

Additionally, board of review comparable #2 is similar to the subject in location, style, construction, features, age and land area. This property sold in December 2015, a date proximate in time to the assessment date at issue, for a price of \$74,000. The subject's assessment reflects a market value of \$74,370 or \$31.50 per square foot of living area, including land, which is well-supported by the best comparable sale in the record and appears valid when considering the appellant's investment in the subject property consisting of the purchase price and renovations. In the facts of this appeal, in determining the correct assessment, the Board gave slightly lesser weight to the subject's sale due to the fact that the sale price along with renovation costs may well have a somewhat tenuous relationship to actual fair market value of a given property.

Based on this record the Board finds the subject's assessment is reflective of market value 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: December 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

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