



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

APPELLANT: Festival Properties, LLC
DOCKET NO.: 16-05112.001-R-1
PARCEL NO.: 04-21-120-022

The parties of record before the Property Tax Appeal Board are Festival Properties, LLC, the appellant, by attorney Nora Devine of Steven B. Pearlman & Associates in Chicago; 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: \$3,513
IMPR.: \$20,297
TOTAL: \$23,810

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 one-story single-family dwelling of brick exterior construction with 925 square feet of living area. The dwelling was constructed in 1961. Features of the home include a full, unfinished basement and a garage containing 432 square feet of building area. The property has a 7,250-square foot site and is located in Zion, Zion Township, Lake County.

The appellant contends assessment inequity, overvaluation and recent sale as the bases of the appeal. In support of the aforementioned arguments, the appellant submitted information on four comparables¹ located within .7 of a mile and in the same neighborhood code as the subject as determined by the local assessor. The comparables are described as one-story single-family

¹ The Board will analyze the appellant's same four comparable properties for both the overvaluation and inequity in assessment arguments due to the fact that sale data of the comparables is provided in the grid, even though the appellant has not marked comparable sales as an alternate basis for the appeal.

dwelling of aluminum or wood-siding exterior construction ranging in size from 1,008 to 1,110 square feet of living area. The dwellings were constructed from 1963 to 1978. Each comparable features a full unfinished basement, one comparable has central air conditioning and two comparables have a detached garage containing 440 or 576 square feet of building area. The properties have sites ranging in size from 6,960 to 8,330 square feet of land area. The comparables have improvement assessments ranging from \$8,899 to \$12,940 or from \$8.83 to \$11.98 per square foot of living area. The comparables sold from March to November 2014 for prices ranging from \$35,000 to \$44,900 or from \$32.43 to \$41.57 per square foot of living area including land.

The appellant also submitted evidence disclosing that the subject property sold in March 2013 for \$27,500 or \$29.73 per square foot of living area. The appellant completed Section IV of the residential appeal petition disclosing the property was not a transfer between family or related corporations. The appellant also submitted a copy of the Illinois Real Estate Transfer Declaration (PTAX-203) disclosing that the subject property was not advertised for sale. Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$23,810. The subject's assessment reflects a market value of \$71,803 or \$77.63 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. The subject has an improvement assessment of \$20,297 or \$21.94 per square foot of living area.

In support of the subject's assessment, the board of review submitted information on four comparable sales located within .149 of a mile from the subject property and in the same neighborhood code as designated by the local assessor. The comparable sales are described as one-story single-family dwellings of aluminum or wood-siding exterior construction ranging in size from 900 to 1,020 square feet of living area. The comparables were built from 1955 to 1964. Each dwelling features a full unfinished basement and a garage ranging in size from 280 to 440 square feet of building area. Three dwellings have central air conditioning. The comparables sold from November 2015 to January 2017 for prices ranging from \$53,000 to \$91,000 or from \$58.11 to \$100.00 per square foot of living area, including land.

In support of equity in assessment, the board of review submitted information on eight equity comparables located within .112 of a mile from the subject property and within the same neighborhood code as designated by the local assessor. The equity comparables are described as one-story single-family dwellings ranging in size from 860 to 999 square feet of living area. Seven comparables have an unfinished basement and six comparables have central air conditioning. Two comparables have fireplaces and each has a garage containing between 280 and 576 square feet of building area. The eight properties have improvement assessments ranging from \$17,215 to \$21,353 or from \$19.13 to \$23.30 per square foot of living area.

Based on the above evidence, the board of review requested confirmation of the subject's improvement assessment.

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 no reduction in the subject's assessment is warranted.

As an initial matter, the Board has given little weight to the subject's sale in March 2013 due to this sale occurring less proximate in time and, therefore, less likely to be reflective of market value as of the subject's assessment date of January 1, 2016. Moreover, the Board finds that subject's sale does not have all of the qualifying elements of an arm's-length transaction because it was not exposed on the open market.

As to the overvaluation claim, the Board finds that the parties submitted for the Board's consideration information on eight comparable sales with varying degrees of similarity to the subject property. The Board gave less weight to appellant's four sales along with board of review comparable sale #2 due to their sale dates in 2014 or 2017 being less proximate in time to the subject's assessment date of January 1, 2016 and, therefore, less likely to be reflective of market value. The Board finds the best evidence of market value to be the board of review comparable sales #1, #3 and #4. The Board finds these comparables most similar to the subject in location, dwelling size, age, design and features. These three comparables also sold most proximate in time to the subject's assessment date of January 1, 2016. These most similar comparables sold from November 2015 to October 2016 for prices ranging from \$53,000 to \$91,000 or from \$58.11 to \$89.22 per square foot of living area, including land. The subject's assessment reflects a market value of \$71,803 or \$77.63 per square foot of living area, land included, which falls within the range established by the most similar comparables in this record. After making adjustments to the comparables for some differences from the subject, the Board finds that the subject's assessment is supported and therefore, based on this evidence, the Board finds that no reduction in the subject's assessment is warranted.

The appellant also contends assessment inequity as one of the bases of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The parties submitted for the Board's consideration a total of twelve suggested equity comparables with varying degrees of similarity to the subject property. The Board gave less weight to appellant's comparable #2 due to this property lacking a garage, unlike the subject which has a detached garage. The Board gave less weight to board of review comparables #1,

#3, #4, #6, #7 and #8, (along with appellants' comparable #4) due to these dwellings having central air conditioning, unlike the subject.

The Board finds the best evidence of equity in assessment to be appellant's comparables #1 and #3 along with board of review comparables #2 and #5. These comparables are most similar to the subject in location, design, dwelling size, age and most features. These most similar comparables have improvement assessments ranging from \$8,899 to \$19,367 or from \$8.83 to \$19.84. The subject's improvement assessment of \$20,297 or \$21.94 per square foot of living area is slightly above the range established by the best equity comparables in this record but appears to be justified given the subject's superior additional bathroom along with brick exterior construction. Based on this evidence, the Board finds that the appellant did not prove by clear and convincing evidence that the subject's improvement is inequitably assessed and, therefore, no reduction in the subject's assessment is warranted.

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: February 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

AGENCY

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