



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

APPELLANT: 2124 West Washington LLC (Ronnie Stillman)
DOCKET NO.: 16-07342.001-R-1 through 16-07342.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 2124 West Washington LLC (Ronnie Stillman), the appellant, by attorney 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
16-07342.001-R-1	08-20-301-036	80,248	136,115	\$216,363
16-07342.002-R-1	08-20-301-037	18,221	23,617	\$41,838

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2015 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 multi-tenant office-retail building of masonry construction with 34,884 square feet of building area which was constructed in 1960/1962. Features of the building include a basement. The property has a 2.74-acre site and is located in Waukegan, Waukegan Township, Lake County.

The appellant modified the existing bases for appeal in Section 2d of the Residential Appeal petition and hand wrote in "vacancy" as the basis for this appeal. In support of this "vacancy" argument, the appellant submitted a Vacancy/Occupancy Affidavit related to the subject property for year 2016. In this document, the affiant reported 54% as the "total annual percent weighted vacancy of commercial space" and the affiant also indicated there were ongoing attempts to lease the vacant space. In a second affidavit that appears to be a form produced by Cook County, the appellant reported the occupancy for year 2015 and reported 79% as the "total annual percent

weighted vacancy of commercial space." The affiant further reported on the form that the property was placed on the MLS with a real estate agent "working to rent the space."

Based on the foregoing evidence, the appellant requested a total assessment of \$171,946 for both parcels that comprise the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total combined assessment for the subject of \$258,201. The subject's assessment reflects a market value of \$778,652 or \$22.32 per square foot of building 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 appeal, the board of review noted that the prior November 2013 purchase of the subject property for \$250,000 "reflects a purchase of a high vacancy property by an investor." In further response to the appeal, the board of review contends that the settlement of the 2015 appeal before the Property Tax Appeal Board was based upon the "subject's late 2013 sale."¹

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located within Waukegan and within 1.21 miles of the subject property. The comparables have sites that range from 2.02 to 5.86-acres of land area. The comparable properties are improved with one or three buildings of brick or masonry exterior construction that were built between 1972 and 1984-1988. The buildings range in size from 17,880 to 43,775 square feet of building area. Comparable #1 has a basement. The comparables sold between May 2015 and November 2016 for prices of \$800,000 or \$1,200,000 or from \$20.18 to \$44.74 per square foot of building area, land included.

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

In written rebuttal, while noting the board of review did not in any manner dispute the appellant's vacancy affidavits for 2015 and 2016, the board of review "provided evidence of suggested comparable sales that are 100% occupied." The appellant argued further that the estimated market value of the subject as reflected by its assessment was presumably for a 100% fully-occupied building and since the subject was partially occupied in 2015 and 2016, the appellant contended it "should be valued as such."

As to the sales provided by the board of review, the appellant addressed why each property was not comparable to the subject. Comparable #1 is a two-story building that is 13 years newer, has no basement and is 100% occupied. Comparable #2 is about 26% larger, is 12 years newer and is 100% occupied. Comparable #3 is about 49% smaller, is 24 years newer, has no basement and is 100% occupied. The appellant concludes that these comparables each support a reduction in the subject's assessment based upon vacancy.

¹ The board of review further reported the subject was marketed for 2.5 years during an economic downturn. Of the sales price of \$250,000, over 75% was paid by the sellers to redeem prior as well as pending taxes as depicted on a closing statement that was provided for review.

Conclusion of Law

The appellant's argument was presumably founded upon a contention of law in which it was argued the subject's assessment should be reduced due to vacancy. The Property Tax Appeal Board gives this argument no weight and finds the appellant failed to submit sufficient evidence to challenge the correctness of the assessment.

Section 1910.63 of the rules of the Property Tax Appeal Board provides in part:

Section 1910.63 Burdens of Proof

- a) Under the principles of a de novo proceeding, the Property Tax Appeal Board shall not presume the action of the board of review or the assessment of any local assessing officer to be correct. However, any contesting party shall have the burden of going forward.
- b) Under the burden of going forward, the contesting party must provide substantive, documentary evidence or legal argument sufficient to challenge the correctness of the assessment of the subject property. Failure to do so will result in the dismissal of the appeal.
- c) Once a contesting party has provided evidence or argument sufficient to challenge the correctness of the assessment of the subject property, the board of review shall be required to go forward with the appeal. The board of review must provide substantive, documentary evidence or legal argument sufficient to support its assessment of the subject property or some other, alternate valuation. Failure to do so will result in a decision by the Property Tax Appeal Board based upon the information submitted by the contesting party and, if applicable, the evidence submitted by any intervening party. . . . (86 Ill.Admin.Code §1910.63).

Based on this rule, the appellant, as the contesting party, has the burden of first producing sufficient evidence to challenge the correctness of the assessment. Not until the contesting party provides sufficient evidence or argument to challenge the correctness of the assessment is the board of review required to go forward with the appeal. (See Commonwealth Edison Company v. Illinois Property Tax Appeal Board, 378 Ill.App.3d 901, 914-915, 882 N.E.2d 141, 317 Ill.Dec. 567 (2nd Dist. 2008)).

In this appeal the appellant only argued the subject's partial vacancy during 2015 and 2016 was sufficient to reduce the subject's assessment. This argument is insufficient to challenge the subject's assessment without a showing the subject's market value was excessive due to vacancy. There is no provision in the Property Tax Code allowing for a reduction in a property's assessment based solely on vacancy. Similarly, there is no provision in the rules of the Property Tax Appeal Board that provides for a reduction in a property's assessment based exclusively on vacancy.

In this appeal the appellant provided no market data to demonstrate the subject's assessment was excessive considering the fact the property was partially vacant during 2015 and 2016.

Furthermore, there was no market data provided by the appellant that supported appellant's counsel assertion that an occupancy factor should be applied to the subject's improvement assessment.

The appellant presumably argued the subject was overvalued due to vacancy problems. When market value is the basis of the appeal the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000), National City Bank of Michigan/Illinois v. Property Tax Appeal Board, 331 Ill.App.3d 1038, (3rd Dist. 2002). The Board finds the appellant has failed to overcome this burden.

The Board finds the appellant presumably agreed with the market value of the subject property of \$778,652 or \$22.32 per square foot of building area, land included, as reflected in the assessment and requested a reduction due to vacancy. The Board also finds the appellant submitted no evidence of market value or vacancy rates for similar type properties. Without this evidence the Board finds it is impossible to know if the vacancy rate is a result of location, economics, poor management, above market asking rents or any of a number of other relevant factors that were not disclosed. The Board also finds the appellant did not submit the subject's property characteristic printout and failed to include the subject's age, condition or any amenities. Furthermore, on this record, the Board finds there is no evidence to indicate the market value reflected in the assessment is not indicative of the subject's value in 2016 when vacancy is considered.

In contrast, the board of review provided information with regard to the sales prices of commercial improved properties that were each newer and reflected sales prices that occurred between May 2015 and November 2016 for prices ranging from \$20.18 to \$44.74 per square foot of building area, land included. The subject's assessment reflects a market value of \$22.32 per square foot of building area, land included, which is within the range of the comparables presented by the board of review and arguably well-supported by the most similar comparable sale #1 which is also slightly larger than the subject.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to adequately demonstrate that the subject improvements were overvalued by a preponderance of the evidence and no reduction 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



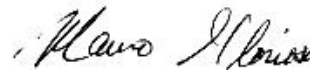
Member

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: April 21, 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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