



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

APPELLANTS: Debra & Michael McFadden  
DOCKET NO.: 17-00808.001-R-1  
PARCEL NO.: 09-02-304-015

The parties of record before the Property Tax Appeal Board are Debra & Michael McFadden, the appellants, by attorney Jack E. Boehm, Jr., of Siegel Jennings Fisk Kart Katz and Regan 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:** \$20,489  
**IMPR.:** \$64,938  
**TOTAL:** \$85,427

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 2017 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 vinyl siding exterior construction with 2,890 square feet of living area. The dwelling was constructed in 2010. Features of the home include an unfinished basement, central air conditioning and a two-car garage that contains 506 square feet of building area. The property has a 7,174 square foot site and is located in Volo, Wauconda Township, Lake County.

The appellants through counsel contend assessment inequity as the basis of the appeal. The subject's land assessment was not contested. In support of this argument the appellants submitted information on five equity comparables located from .07-of a mile to .12-of a mile from the subject property. The comparables were improved with two-story dwellings with vinyl siding exterior construction that contain either 2,854 or 2,866 square feet of living area. The dwellings were built from 2007 to 2012. One comparable has an unfinished basement and four

comparables have a concrete slab foundation. Each comparable has central air conditioning and a two-car garage containing 506 square feet of building area. One comparable has a fireplace. The comparables have improvement assessments that ranged from \$50,785 to \$57,206 or from \$17.79 to \$20.04 per square foot of living area. Based on this evidence, the appellants requested that the improvement assessment be reduced to \$54,419 or \$18.83 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$85,427. The subject property has an improvement assessment of \$64,938 or \$22.47 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on six equity comparables located from .056-of a mile to .249-of a mile from the subject property. The comparables were improved with two-story dwellings with vinyl siding exterior construction ranging in size from 2,854 to 2,884 square feet of living area. The dwellings were built from 2008 to 2010. Each comparable has an unfinished basement, central air conditioning and a two-car garage containing 506 square feet of building area. One comparable has a fireplace. The comparables have improvement assessments that ranged from \$66,674 to \$72,211 or from \$23.15 to \$25.19 per square foot of living area. Based on this evidence, the board of review requested that the assessment be confirmed.

### **Conclusion of Law**

The taxpayer contends assessment inequity as the basis 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted 11 suggested comparables for the Board's consideration. The Board gave less weight to the appellants' comparables #2, #3, #4 and #5 due to their lack of a basement when compared to the subject's unfinished basement.

The Board finds the best evidence of assessment equity to be the remaining comparables. These comparables are more similar in location, style, dwelling size, age and features when compared to the subject property. These comparables had improvement assessments that ranged from \$52,145 to \$72,211 or from \$18.19 to \$25.19 per square foot of living area. The subject's improvement assessment of \$64,938 or \$22.47 per square foot of living area falls within the range established by the best comparables in this record. Based on this record, the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the

General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence.

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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