



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

APPELLANT: Cozy Lane Properties, LLC
DOCKET NO.: 17-01360.001-R-1
PARCEL NO.: 08-05-412-019

The parties of record before the Property Tax Appeal Board are Cozy Lane 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: \$ 6,144
IMPR.: \$20,178
TOTAL: \$26,322

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 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 one-story dwelling of aluminum siding exterior construction with 864 square feet of living area. The dwelling was constructed in 1954. Features of the home include a full unfinished basement, central air conditioning and a detached 624 square foot garage. The property has a 6,453 square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant contends both overvaluation and lack of assessment uniformity as the bases of the appeal.

In support of the overvaluation argument, the appellant submitted a restricted appraisal report (USPAP Addendum, page 3) prepared by Christopher E. Kokott and supervised by David B. Schmidt, both of JSG Real Estate Services, Inc., estimating the subject property had a market

value of \$47,000 as of January 1, 2015. The appraisal was prepared for the client Ken Lebovic for the purpose of estimating the current market value as of the effective date for tax purposes.¹

Utilizing the sales comparison approach to value, the appraiser analyzed three sales that were located within .23 of a mile of the subject. The comparables were described as being improved with one-story dwellings of frame exterior construction that contained either 768 or 864 square feet of living area. The comparables were each 61 years old. Each comparable had a basement with two being finished. Two of the comparables had a two-car garage like the subject. The sales occurred from April to July 2014 for prices ranging from \$39,000 to \$55,000 or from \$50.78 to \$63.66 per square foot of living area, land included. Sales #1 and #3 were both noted as short sales. As part of the appraisal report, Kokott wrote that REO and Short Sales make up the majority of the sales in the subject neighborhood such that the inclusion of short sales was unavoidable. After making downward adjustments to two comparables for basement finish, upward adjustments of \$2,000 to each comparable for lack of central air conditioning and upward adjustments to each comparable for lack of a patio, the appraiser estimated the comparables had adjusted prices ranging from \$44,500 to \$54,500. The appraiser estimated the subject had a market value using the sales comparison approach of \$47,000, which was his final estimate of market value for the subject.

In support of the inequity argument, the appellant submitted information in the Section V grid analysis reflecting data on six equity comparables located from the same block as the subject to 1.06-miles from the subject but each having the same neighborhood code assigned by the assessor as the subject property. The comparables consist of one-story dwellings of vinyl or wood siding exterior construction that were built in 1954 or 1955. The homes each contain either 768 or 864 square feet of living area with a full unfinished basement. No data concerning central air conditioning was reported in the grid analysis for the subject or any of the comparables. Four of the comparables each have a garage ranging in size from 440 to 528 square feet of building area. The comparables have improvement assessments ranging from \$8,092 to \$16,708 or from \$10.15 to \$19.34 per square foot of living area.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,322. The subject's assessment reflects a market value of \$79,403 or \$91.90 per square foot of living area, land included, when using the 2017 three year average median level of assessment for Lake County of 33.15% as determined by the Illinois Department of Revenue. The subject property has an improvement assessment of \$20,178 or \$23.35 per square foot of living area.

In response to the appellant's evidence, the board of review submitted a memorandum prepared by the Waukegan Township Assessor's Office. The memorandum contended that the appellant's appraisal report was "dated" and "half of the appellant's equity comparables are not the same home model as the subject." It was also reported that two of the 864 square foot comparables "have previous BOR decisions." It was also noted that comparable #6 did not have a garage.

¹ Nothing else within the appraisal indicates that it is a restricted appraisal report besides the assertion on page 3.

Additionally, the board of review submitted a grid analysis of the three comparable sales contained within the appellant's appraisal report. The grid depicts that appraisal sale #1 last sold in April 2015 for \$92,000.

In support of its contention of the correct estimated market value of the subject property, the board of review submitted information on three comparable sales located within .19 of a mile of the subject property and each comparable was also located in the same neighborhood code as the subject property. The parcels range in size from 6,076 to 6,384 square feet of land area. The comparables are each improved with a one-story dwelling of aluminum siding exterior construction that was built between 1954 and 1956. The homes each contain 864 square feet of living area with a full unfinished basement. No other descriptive data was provided in the grid analysis concerning air conditioning, fireplaces and/or garages. The comparables sold between November 2015 and April 2017 for prices of either \$83,044 or \$103,000 or for \$96.12 or \$119.21 per square foot of living area, including land.

In support of the subject's uniform assessment, the board of review submitted a grid analysis of three comparable properties located within .21 of a mile from the subject property; each comparable is located within the same neighborhood code assigned by the assessor as the subject property. The comparables consist of one-story dwellings of aluminum or wood siding exterior construction that were built in 1954. The homes each contain 864 square feet of living area with a full unfinished basement. Comparable #2 has central air conditioning like the subject. Each of the comparables has a garage ranging in size from 484 to 576 square feet of building area. The comparables have improvement assessments ranging from \$20,179 to \$20,224 or from \$23.36 to \$23.42 per square foot of living area.

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

Conclusion of Law

The appellant contends in part that 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 with an opinion of market value as of January 1, 2015 which opinion was based upon three sales of similar properties that had occurred in 2014. The Board finds that as of the valuation date at issue of January 1, 2017, the appraisal's opinion of value was not credible given its reliance upon sales that occurred in 2014. Moreover, the board of review established that appraisal sale #1 had since resold in 2015 for \$92,000, a price significantly higher than the sale price that occurred in 2014 and upon which the appraiser relied upon in determining his opinion of the subject's value. The Board has given little weight to the value conclusion set forth in the appellant's appraisal report since the appraisal was based upon sales that occurred less proximate in time to the lien date at issue than other sales contained within this record. Furthermore, the board of review submitted evidence of

comparable sales that occurred between November 2015 and April 2017 for the valuation date at issue of January 1, 2017.

The Board finds the best evidence of market value to be the board of review comparable sales which were similar in location, age, size, foundation and several features when compared to the subject. These three comparables sold between November 2015 and April 2017 for prices of either \$83,044 or \$103,000 or for \$96.12 or \$119.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$79,403 or \$91.90 per square foot of living area, including land, which is below the range established by the best comparable sales in the record that occurred most proximate in time to January 1, 2017.

Based on this evidence the Board finds a reduction in the subject's assessment is not justified on grounds of overvaluation.

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

The parties submitted a total of nine equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #2, #3 and #5 as comparable #2 is located over a mile away from the subject property and each of these comparables contains 768 square feet of living area as compared to the subject dwelling of 864 square feet.

The Board finds the best evidence of assessment equity to be appellant's comparables #1, #4 and #6 along with the board of review comparables. These comparables had improvement assessments that ranged from \$10.15 to \$23.42 per square foot of living area. The subject's improvement assessment of \$23.35 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 appellant 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 on grounds of lack of assessment uniformity.

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

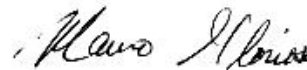
Member

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

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