



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

APPELLANT: Gerard Mosciano
DOCKET NO.: 17-01956.001-R-1
PARCEL NO.: 12-28-103-007

The parties of record before the Property Tax Appeal Board are Gerard Mosciano, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest, 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: \$110,308
IMPR.: \$ 24,679
TOTAL: \$134,987

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 1.5-story Cape-Cod style dwelling of frame and brick exterior construction with approximately 1,346 square feet of living area.¹ The dwelling was constructed in 1949. Features of the home include a full basement with finished area, central air conditioning and a 528 square foot two-car detached garage. The property has a 13,500 square foot site and is located in Lake Forest, Shields Township, Lake County.

¹ The parties differ as to the subject's dwelling size. The board of review provided a property record card with a schematic drawing setting forth a dwelling size of 1,248 square feet of living area. The appellant's appraisal also contains a schematic diagram, with calculations of the subject's size and indicated the property had been inspected, reported a dwelling size of 1,346 square feet. The Board finds this minor size discrepancy does not prohibit a determination of the correct assessment on this record.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal report prepared by Gordon E. Shore, a Certified Residential Real Estate Appraiser. The intended use of the retrospective appraisal is to estimate fair market value as of January 1, 2017 for real estate tax assessment purposes. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value and opined a market value of \$405,000.

Under the sales comparison approach to value, the appraiser utilized three comparable sales described as a Cape Cod and two, ranch style dwellings ranging in size from 1,120 to 1,248 square feet of living area and are located from .04 of a mile to 1.86 miles from the subject property. The comparables were approximately 63 to 69 years old. Features of each comparable include a full basement that is partially finished; central air conditioning and a one-car or a two-car garage. Two comparables each have a fireplace. The properties have sites ranging in size from 8,773 to 12,212 square feet of land area. The comparables sold from March to October 2016 for prices ranging from \$362,500 to \$382,500 or from \$300.48 to \$341.52 per square foot of living area, including land. After considering adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$405,000 or \$300.89 per square foot of living area, including land, as of January 1, 2017.

Based on this evidence, the appellant requested a reduction in the subject property's total assessment to \$133,320 which would be less than the appraised value and would reflect a market value of \$400,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$134,987. The subject's assessment reflects a market value of approximately \$405,000, land included, at the statutory level of assessment of 33.33%.

The board of review submitted a memorandum contending that the appellant's appraisal provides the best evidence as to the subject's market value as of January 1, 2017. The board of review further contends that a reduction was issued by the Lake County Board of Review to reflect the appraised value of the subject property.

In further support of the subject's assessment, the board of review submitted information on three comparable sales, where comparables #2 and #3 are the same properties as appellant's appraisal sales #2 and #3, respectively. The comparables are located from .179 of a mile to 1.862-miles of the subject property. The comparables are described as a 1.5-story and two, one-story dwellings of wood siding or brick exterior construction that range in size from 1,120 to 1,334 square feet of living area. The dwellings were constructed from 1929 to 1954. Each comparable has a full or partial basement, with two having finished areas. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 325 to 693 square feet of building area. The comparables are situated on sites ranging in size from 7,000 to 12,212 square feet of land area. The comparables sold from March 2016 to September 2017 for prices ranging from \$362,500 to \$509,000 or from \$316.87 to \$381.56 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requested that the subject property's assessment be confirmed.

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.

The appellant submitted an appraisal with a value conclusion of \$405,000 and the subject property has an assessment reflective of the appraised value. In further support of the assessment, the board of review provided three comparable sales, two of which were utilized in the appraisal report, to support the subject's current assessment.

On this record, the Property Tax Appeal Board finds the best evidence of market value to be the appraisal submitted by the appellant with support provided by the board of review comparable sales. The appraisal presents a conclusion of value of \$405,000. The board of review in a memorandum agreed the appraisal reflects the best indication of market value for the subject property and further provided three comparable properties which sold from March 2016 to September 2017 for prices ranging from \$362,500 to \$509,000 or from \$316.87 to \$381.56 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$405,000, land included, at the statutory level of assessment of 33.33%, which is identical to the appraised value and falls within the range of the comparable sales presented by the board of review.

Based on this evidence and the fact that the current assessment of the subject property approximately reflects the appraised value of \$405,000 at the statutory level of assessment of 33.33%, the Property Tax Appeal Board finds 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



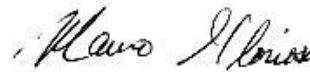
Member

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: May 26, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Gerard Mosciano, by attorney:
Ronald Kingsley
Lake County Real Estate Tax Appeal, LLC
13975 W. Polo Trail Drive
#201
Lake Forest, IL 60045

COUNTY

Lake County Board of Review
Lake County Courthouse
18 North County Street, 7th Floor
Waukegan, IL 60085