



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

APPELLANT: Larry Bowers  
DOCKET NO.: 17-02071.001-R-1  
PARCEL NO.: 08-16-327-056

The parties of record before the Property Tax Appeal Board are Larry Bowers, 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 **a reduction** 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:** \$2,586  
**IMPR.:** \$11,093  
**TOTAL:** \$13,679

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 two-story condominium with brick exterior containing 1,156 square feet of living area. The dwelling was constructed in 1960. Features of the condominium include an unfinished basement and central air conditioning. The property has a 9,776-square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant contends overvaluation as the basis of the appeal.<sup>1</sup> In support of this argument, the appellant submitted a grid analysis of three comparable sales located from .04 of a mile to 2.35-miles from the subject, with one comparable located in the same neighborhood code as assigned to the subject by the local assessor. The properties are improved with two-story

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<sup>1</sup> Although the appellant did not check any boxes on the appeal form indicating the basis of the appeal, appellant's counsel submitted a grid with three comparable sales along with a brief based on fair cash value. Therefore, the Board will analyze this appeal based on overvaluation claim.

condominiums/townhomes with brick or wood-siding exteriors ranging in size from 1,156 to 1,280 square feet of living area. The homes were built in 1960 or 1971. Two comparables each feature an unfinished basement; one dwelling has central air conditioning; and one comparable has a detached 240-square foot garage. The sales of the comparables occurred from January 2016 to May 2017 for prices ranging from \$20,300 to \$35,000 or from \$17.56 to \$27.34 per square foot of living area, including land. The appellant also submitted a copy of the property characteristic information page extracted from the township assessor's property records, as well as Multiple Listing Service (MLS) sheets associated with each of the comparables' sales.

The appellant's submission also includes a memorandum from the appellant's attorney indicating that these four similar properties, including the subject, are owned by one entity.

Based on this evidence, the appellant requested that the total assessment be reduced to \$10,160 which would reflect a market value of \$30,483 or \$26.37 per square foot of living area, including land, 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 \$15,343. The subject's assessment reflects a market value of \$46,284 or \$40.04 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.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales located from .043 of a mile to 4.825 miles from the subject. The board of review comparable #1 was also submitted by the appellant as comparable #1. Two properties are in the same neighborhood code as assigned by the local assessor to the subject property. The comparables are improved with two-story condominiums with brick or wood-siding exteriors that range in size from 1,090 to 1,240 square feet of living area. The dwellings were constructed in 1960 or 1972. Three comparables each feature an unfinished basement; four dwellings have central air conditioning; two homes each have a fireplace; and another two properties each have a 240-square foot garage. The sales of the comparables occurred from November 2016 to October 2018 for prices ranging from \$38,000 to \$66,000 or from \$32.87 to \$60.55 per square foot of living area, including land. The board of review submission also included copies of the property record cards for the subject and its comparable sales.

Although the board of review reported that comparable #1 sold in September 2018 for \$45,500, it did not disclose that this same property previously sold in September 2016 for \$20,300 or \$17.56 per square foot of living area, land included, as noted in the property record card. As the September 2016 sale of this property is more proximate in time to the subject's January 1, 2017 assessment date at issue, the Board will use this sale in its analysis. Furthermore, although the September 2016 sale of comparable #1 appears to be a bank REO (Real Estate Owned) property as depicted in the property record card, there is no evidence in the record to suggest that this sale was not an arm's-length transaction. Therefore, the Board will consider this "compulsory" sale as required by Section 16-183 of the Illinois Property Tax Code. (35 ILCS 200/16-183).

Based on this evidence, the board of review requested that the subject'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 met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted a total of nine comparable sales, which includes the parties' common property which sold twice, to support their respective positions before the Property Tax Appeal Board. The Board finds the best evidence of the subject's market value to be the board of review comparables #1 and #2. These two properties were virtually identical to the subject in location, lot size, design, age and most features. However, each of these two dwellings has a garage which is superior to the subject property and therefore requires downward adjustments to make the comparables more equivalent to the subject.

The two most similar comparables sold in September and October 2018 for prices of \$45,500 and \$38,000 or for \$39.36 and \$32.87, respectively, per square foot of living area, including land. The subject's assessment reflects a market value of \$46,283 or \$40.04 per square foot of living area, land included, which appears to be overvalued, particularly given that these two best comparables each have a garage, unlike the subject property.

The Board gave less weight to the parties' remaining comparable sales due to each of them being located more than one mile distant from the subject and in different neighborhood codes from the subject property.

After considering adjustments to the comparables for having garages, unlike the subject, the Board finds that the appellant demonstrated by a preponderance of the evidence that the subject is overvalued. Therefore, the Board finds that based on this evidence, the subject's estimated market value as reflected by its assessment is unsupported and a reduction in the subject's assessment commensurate with the appellant's request 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: 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

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