



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

APPELLANT: Kelly Chavez
DOCKET NO.: 17-02147.001-R-1
PARCEL NO.: 05-10-405-097

The parties of record before the Property Tax Appeal Board are Kelly Chavez, 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: \$13,423
IMPR.: \$53,936
TOTAL: \$67,359

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 dwelling of wood siding exterior construction with 1,690 square feet of living area. The dwelling was constructed in 1991. Features of the home include a full walkout-style basement of which approximately 630 square feet is finished,¹ central air conditioning, a fireplace and a 462 square foot garage. The property has a 21,749 square foot site and is located in Fox Lake, Grant Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared for Baxter Credit Union by Michael Borre and David

¹ There is a small size discrepancy for finished basement area between the appellant's appraiser and board of review data.

B. Schmidt, Certified Residential Real Estate Appraisers.² The appraisal report was prepared for a refinance transaction estimating the fee simple market value of the subject property to be \$180,000 as of November 21, 2016.

The appraisers reported the subject dwelling has an effective age of 10 years, less than its actual age of 25 years. The appraisers also reported the home has had no updates in the prior 15 years and was found to be in average overall condition with average modernization.

Using the sales comparison approach, the appraisers considered five comparable sales and two active listings. The comparables were each located in either Fox Lake or Ingleside and from .15 of a mile to 1.20 miles from the subject property. The comparables have sites that range in size from 7,500 to 22,032 square feet of land area. Two of the comparables were described as having "busy road" views and one comparable was described as having a woods view; while four of the comparables were described as having residential views like the subject. The comparable properties are each improved with either a Cape Cod, a split-level, three, one-story, and two, Colonial or two-story dwellings that were 13 to 76 years old. The dwellings range in size from 1,344 to 1,716 square feet of living area. Six of the comparables have basements with finished areas; comparable #3 has no basement. The homes each feature central air conditioning and a garage. Each comparable has been given the same quality grade as the subject and one comparable has an inferior condition grade than the subject. The appraisal report also depicted two of the comparables with average-plus modernization as compared to the subject and remaining comparables with average modernization. Five of the comparables sold between December 2015 and October 2016 for prices ranging from \$160,000 to \$180,000 or from \$99.07 to \$133.93 per square foot of living area, land included; comparables #6 and #7 depict listings with asking prices of \$165,000 and \$199,000 or for \$106.59 and \$141.74 per square foot of living area, including land.

As of the Supplemental Addendum, the appraisers reported the seven comparables used in the sales comparison approach "were the best available at this time to compare to the subject property." The appraisers further explained the comparables offered similar overall utility and function along with similar overall amenities. The appraisers contend all comparables are located within the subject's neighborhood boundaries; "no geographic boundaries were crossed." (See Supplemental Addendum). However, as to comparable #2 while more than a mile from the subject, the appraisers contend this property was "taken from a competing subdivision" such that no location adjustments were necessary. The appraisers also wrote in the Supplemental Addendum, "[d]ue to lack of comparables within subjects [*sic*] Ingelside [*sic*] community, comparables were taken from adjacent competing community of Fox Lake and students attend the same HS district 124. This has no effect."

The appraisers applied adjustments as further described in the Supplemental Addendum. Comparables #6 and #7 were adjusted as listings for date/time of sale of 2% each; adjustments were also applied for differences in lot size, view, condition, modernization, room count (bed/bath), dwelling size at \$20 per square foot, basement size and/or basement finish. In the

² The appellant also included a grid analysis of three comparable properties; as these are appraisal comparables #4, #5 and #6, respectively, with listing comparable #6 noted as cancelled based on an attached Multiple Listing Service (MLS) sheet depicting the property had been on the market for 250 days, the Board will not further analyze the data.

Supplemental Addendum, the appraisers acknowledged differences in actual age for comparables #3, #6 and #7, but asserted no age adjustments were warranted as each comparable "displayed similar overall effective ages in comparison to the subject." Through this process, the appraisers opined adjusted sale prices ranging from \$176,349 to \$209,220, including land. As a result, with comparables #2, #3 and #5 receiving the most weight in the analysis for being the most recent sales, the appraisers arrived at an estimated market value for the subject of \$180,000 or \$106.51 per square foot of living area, including land, as of January 1, 2017.

Based on this evidence, the appellant requested an assessment reflective of the appraised value conclusion 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 \$67,359. The subject's assessment reflects a market value of \$203,195 or \$120.23 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 response to the appellant's evidence, the board of review submitted a memorandum critiquing the appraisal report and providing four comparable sales. The appraisal was noted to have been prepared for mortgage lending with an effective date of December 2016; it was also noted that sales #1, #2, #5 and #7 reflect dwellings that were not two-story style homes like the subject. Moreover, appraisal sale #3 (which is board of review comparable #1) is a 1.5-story dwelling with no basement and which is 51 years older than the subject dwelling where no age adjustment was made in the appraisal report. As part of the memorandum, the Lake County Board of Review opined that the appraisers' dwelling size adjustment of \$20 per square foot was "too low for the subject's market area." The board of review also noted that appraisal sale #4 occurred in 2015, approximately thirteen months prior to the January 1, 2017 assessment date at issue. Lastly, the board of review noted that appraisal listing #7 was 31 years older than the subject dwelling and again had no adjustment or discussion of this difference.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales where comparable #1 was the same criticized property presented as appraisal sale #3. The comparables are located within .581 of a mile from the subject and three of the comparables share the same neighborhood code assigned by the assessor as the subject property. The comparables consist of a 1.25-story and three, two-story dwellings of wood siding exterior construction that range in size from 1,533 to 2,036 square feet of living area. The dwellings were constructed from 1940 to 2001. Three of the comparables have basements, two of which have finished areas. Each home has central air conditioning and a garage ranging in size from 420 to 1,209 square feet of building area. The comparables have sites ranging in size from 6,500 to 14,500 square feet of land area. The board of review also indicated that comparable #3 had been rehabbed after its latest purchase. The comparables sold in either August 2016 or April 2017 for prices ranging from \$160,000 to \$229,900 or from \$104.37 to \$133.82 per square foot of living area, including land.

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

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 of the subject property and the board of review submitted four suggested comparable sales, one of which was contained in the appellant's appraisal report and was criticized as being dissimilar to the subject, to support their respective positions before the Property Tax Appeal Board.

The Board finds that, despite the appraisers' contention that the appraisal included the "best available residences in the subject neighborhood" as of the November 2016 effective date of the appraisal, the record reveals other sales that were more proximate in time to the assessment date which were not utilized by appraisers, such as board of review comparables #2, #3 and #4. In contrast, the board of review provided three sales of properties located in close proximity to the subject that sold in either August 2016 or April 2017, dates that bracket the appraisers' valuation date of November 2016. There is nothing in the record to indicate why any of the board of review sales dated prior to November 2016 were not utilized by the appraisers.

In light of the totality of the sales evidence in the record, the Board has given little weight to the value conclusion in the appellant's appraisal report and finds it is not a credible indication of the subject's estimated market value as of January 1, 2017. The Board finds the appellant's appraisal report relied upon dated sales, distant properties, dissimilar dwellings and did not utilize the available sales that occurred most proximate in time to the appraisal valuation date including board of review comparables #2, #3 and #4 and presented a questionable adjustment for differences in dwelling sizes. The Board has also given reduced weight to board of review comparable sale #1 which is a dissimilar dwelling in story height and differs in foundation since it lacks a basement which is a feature of the subject two-story dwelling.

The Board finds the best evidence of market value to be board of review comparable sales #2, #3 and #4 which are located within .581 of a mile of the subject and consist of two-story dwellings that were built between 1992 and 2001; the homes also bracket the subject in dwelling size and are similar to the subject dwelling in foundation and other features. These three board of review comparable sales sold in August 2016 or April 2017 for prices ranging from \$193,500 to \$229,900 or from \$112.92 to \$133.82 per square foot of living area, including land. The subject's assessment reflects a market value of \$203,195 or \$120.23 per square foot of living area, including land, which is within the range established by the best comparable sales in the record both in terms of overall value and on a per-square-foot basis. Based on this evidence, the 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



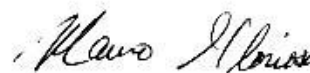
Member

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

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