



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

APPELLANT: Larry Phillips
DOCKET NO.: 17-02372.001-C-1
PARCEL NO.: 05-11-402-003

The parties of record before the Property Tax Appeal Board are Larry Phillips, 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: \$16,661
IMPR.: \$45,106
TOTAL: \$61,767

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 commercial building used as a restaurant bar and grill that contains 2,107 square feet of building area and a 1,449 square foot basement. The building was constructed in 1945 and renovated in 2003. The parcel has a 7,500 square foot site and is located in Ingleside, Grant Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted limited descriptive information on four comparable sales located in Antioch, Round Lake and Fox Lake. The comparable parcels range in size from 16,478 to 42,688 square feet of land area and have been improved with commercial restaurant or bar buildings. Comparables #1 and #3 were built in 1956 and 1970, respectively. The appellant did not report the year built for comparables #2 and #4. The buildings range in size from 1,882 to 3,400 square feet of above-grade building area. The comparables have land to building ratios from 4.85 to

12.84. The sales occurred from December 2015 to June 2017 for prices ranging from \$25,000 to \$165,000 or from \$10.44 to \$48.53 per square foot of building area, including land. The median sale price of the comparables was \$42.98. When applied to the subject, a fair cash value of \$90,559 is indicated. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$30,183.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$61,767. The subject's assessment reflects a market value of \$186,326 or \$88.43 per square foot of building area, land included, when using 2,107 square feet of building area and 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 appeal, the board of review argued that appellant's evidence references only one of three parcels which makes up the subject's total site. The board of review asserted that two parcels were omitted which represent the subject's parking lot. Each of the three parcels contains 7,500 square feet of land area, totaling 22,500 square feet of land area. The board of review also provided copies of the property record cards for these additional parcels associated with the subject property reflecting the assessments for each parcel. The two additional parcels had land assessments totaling \$33,322. Combining the subject's total assessment and the land assessments for the subject's two additional parcels totals \$95,089, which reflects a market value of approximately \$285,295 or \$80.23 per square foot of living area, including land. For these reasons, the board of review believes all three parcels must be considered when estimating the subject's market value.

The board of review also asserted that appellant's comparables #1, #2 and #3 are lender/REO sales; comparable #1 has substantial deferred maintenance with second floor living units (subject has no residential portion); and comparable #4 is a mixed-use (commercial-residential property), where its 2016 sale was an installment contract that transferred in 2018. The board of review also submitted a Multiple Listing Service (MLS) sheet associated with each sale. The listing remarks for comparable #3 indicate the buildings on the property are tear downs.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located in Fox Lake, Grayslake and McHenry. The parcels have land sizes from 3,049 to 43,560 square feet of land area. Each parcel has been improved with a retail-storefront, retail-motel or retail-restaurant building. Four of the comparables were built from 1948 to 1996. The board of review did not report the year built for Comparable #3. The buildings range in size from 1,800 to 5,500 square feet of above-grade building area. Board of review comparables #4 and #5 are reported to have either a partial or a full basement and have been either "remodeled" or a "recent rehab" according to the Multiple Listing Service sheets associated with each sale. The five comparables sold between February 2016 to January 2019 for prices ranging from \$180,000 to \$780,000 or from \$95.00 to \$143.33 per square foot of building area, including land.

Based on the foregoing 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 parties submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the appellant's comparables. Comparables #1 and #4 are mixed-use properties unlike the subject. Comparable # 2 appears to be an outlier based on its sale price per square foot being considerably lower than all the other sales in the record. According to the listing sheet for Comparable #3, the buildings on the property are tear downs, calling into question the condition of the property at the time of sale and its comparability to the subject. The Board gave less weight was given to board of review comparables #1, #2 and #3 as their sales dates in October 2018 and January 2019 are less proximate in time to the January 1, 2017 assessment date than the other sales in the record or has a significantly larger building size when compared to the subject.

The Board finds the best evidence of market value to be board of review comparable sales #4 and #5 as they are similar sized retail restaurant type buildings that have been remodeled like the subject. However, both comparables are newer buildings than the subject which require downward adjustments for age to make them more equivalent to the subject. These most similar comparables sold in February and August 2016 for prices of \$370,000 and \$180,000 or for \$132.71 and \$95.00 per square foot of building area, including land, respectively. The subject's market value of \$186,326 or \$88.43 per square foot of building area, including land, as reflected by its assessment falls below the two best comparable sales in this record on a per-square-foot basis which is logical due to subject's older age. After considering adjustments to the comparables for differences when compared to the subject, 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 18, 2021



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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