



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

APPELLANT: Phyllis LeBoyer
DOCKET NO.: 17-02981.001-R-1
PARCEL NO.: 15-15-400-223

The parties of record before the Property Tax Appeal Board are Phyllis LeBoyer, the appellant; 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: \$43,710
IMPR.: \$56,280
TOTAL: \$99,990

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 single residential condominium unit containing 1,668 square feet of living area. The subject is 1 of 31-units in a building that was constructed in 2013. The dwelling features central air-conditioning and a 144-square foot garage. The unit is part of Village Green Condominium Association and is located in Lincolnshire, Vernon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant completed Section IV of the Residential Appeal petition disclosing that the condominium unit was purchased from Charles and Arleen Rosenbloom on April 27, 2017 for a price of \$300,000. The appellant indicated that this was not a sale between family or related corporations and that it was sold by owner. The appellant also disclosed that the property was listed and advertised for sale through Multiple Listing Service (MLS) from August 9, 2016 through October 4, 2016 when it was taken off the market. The appellant also submitted copies

of the HUD-1 Settlement Statement associated with this transaction, a copy of the Quit Claim Deed, copies of two MLS listings of the subject property plus one other comparable sale, and a narrative report in support of the appeal. The MLS sheet for the subject depicts an original asking price of \$392,000 and an active listing from August 9, 2016 to October 4, 2016. The MLS sheet of the comparable property depicts the sale of a single unit condominium in a 62-unit building that was constructed in 2012. The comparable unit was part of the same Village Green Condominium Association as the subject and contains approximately 1,756 square feet of living area. The unit features central air-conditioning and a garage. The comparable sold in November 2016 for a price of \$280,000 or for approximately \$159.45 per square foot of living area. Lastly, the appellant submitted a memorandum asserting that the subject unit was purchased for fair cash value. Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$99,990 to reflect the subject's sale price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$126,320. The subject's assessment reflects a market value of \$381,056 or \$228.45 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 four comparable sales located within the same neighborhood code and part of the same condominium association as the subject property. The comparables are described as single condominium units that were built from 2009 through 2013. The dwellings range in size from 1,884 to 2,348 square feet of living area. Each unit features central air-conditioning and a garage ranging in size from 288 to 336 square feet of building area. The units sold from September 2016 to January 2018 for prices ranging from \$379,250 to \$555,000 or from \$201.30 to \$252.12 per square foot of living area.

The board of review also submitted a copy of the property record cards for the subject and its comparables, as well as a copy of the Illinois Real Estate Transfer Declaration (PTAX-203) form associated with the subject's sale disclosing that the property was not advertised for sale. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter prepared by Debbie Croft, a "Broker Associate" addressed to Property Tax Appeal Board. In the letter, Ms. Croft indicated that there was an error in the recording regarding the advertisement of the subject property and that the attached color copy of the MLS sheet associated with the subject's sale depicts that the subject was in fact listed for sale. The MLS sheet reflects that the subject was on the market for 57 days prior to being taken off the market. Ms. Croft asserted that the property was eventually sold to the appellant without a realtor and that the parties did not know each other.

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 Board finds the best evidence of market value to be the purchase of the subject property in April 2017 for a price of \$300,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The Board finds that the appellant completed Section IV - Recent Sale Data of the Residential Appeal disclosing the parties to the transaction were not related and there is no evidence the parties were under duress or compelled to buy or sell. Although the property sold without a Realtor, the evidence in the record reveals that the property had been advertised on the open market through the Multiple Listing Service for 57 days and did not sell for the asking price. The Board finds the purchase price is further supported by the comparable sale submitted by the appellant of a condominium unit similar in location, size and features to the subject which sold proximate in time to the subject for a price of \$280,000 or for approximately \$159.45 per square foot of living area. Lastly, the Board finds that the subject's purchase price of \$300,000 or \$179.86 per square foot of living area is below the market value of \$381,056 or \$228.45 per square foot of living area as reflected by the assessment.

The Board gave less weight to board of review comparables #1, #2 and #3 based on their larger dwelling sizes and larger garages relative to the subject. The board of review comparable #4 was given reduced weight based on its sale date being more than one year distant in time from the subject's assessment date of January 1, 2017 and therefore less likely to be indicative of subject's market value as of the assessment date at issue.

Based on the evidence in this record, the Board finds that 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: July 21, 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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