



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

APPELLANT: William McNutt
DOCKET NO.: 17-03152.001-C-1
PARCEL NO.: 05-10-212-011

The parties of record before the Property Tax Appeal Board are William McNutt, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago; 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.: \$64,895
TOTAL: \$81,556

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 split-foyer¹ four-unit apartment building of brick exterior construction with 4,248 square feet of building area. The building was constructed in 1975. Each unit contains two bedrooms and one bath. The property has a 7,500 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 information on five comparable sales located from 1.19 to 4.81 miles from the subject property. The comparables have sites ranging in size from 5,663 to 168,446 square feet of land area and consist of a one-story apartment building and four, multi-story apartment buildings that were built from 1924 to 1978. The comparables have buildings that range in size from 4,000 to 66,345 square feet of building area with each having 5 to 53 apartment units. The

¹ The design of the subject was based upon the photographic evidence of the subject in the record.

comparables sold from June 2016 to June 2017 for prices ranging from \$260,000 to \$3,685,000 or from \$52,000 to \$73,485 per apartment or from \$55.54 to \$86.61 per square foot of building area, including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$81,556. The subject's assessment reflects a market value of \$246,021 or \$61,505 per apartment unit or \$57.91 per square foot of building 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 argued appellant's comparables #1 through #3 are significantly larger apartment complexes consisting of 22, 33 and 53 units, respectively. Appellant's comparable sale #4 is an eight-unit complex that is located in Fox Lake like the subject. Appellant's comparable sale #5 is a mixed-use property that includes a 2,009 square foot, three-bay commercial garage.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located from 1.21 to 3.22 miles from the subject property. The comparables have sites ranging in size from 10,295 to 20,000 square feet of land area and consist of a one-story, eight-unit apartment building and three, two-story, four-unit apartment buildings of brick exterior construction that were built from 1971 to 1995. The buildings range in size from 3,356 to 6,480 square feet of building area. The comparables sold from July 2015 to November 2016 for prices ranging from \$270,000 to \$500,000 or from \$62,500 to \$80,000 per apartment unit or from \$63.60 to \$94.12 per square foot of building area, including land. The board of review provided property record cards of the subject and each comparable, along with the MLS sheets or PTAX-203 Real Estate Transfer Declarations associated with the sale of each comparable. Based on this evidence, 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 nine suggest comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the appellant's comparables and board of review comparable #4 as they are either larger 8-unit to 53-unit apartment buildings or a mixed-use property when compared to the 4-unit apartment building of the subject. The Board also gave less weight to board of review comparable #3 as it sold less proximate in time to the January 1, 2017 assessment date and thus, less likely to be reflective of market value as of that date.

The Board finds the best evidence of market value to be board of review comparable sales #1 and #2. Although both comparables are newer two-story buildings when compared to the subject, these comparables are similar to the subject in location, overall building size and number of units. The comparables sold in November 2016 for prices of \$320,000 and \$270,000 or for \$80,000 and \$67,500 per apartment unit or for \$94.12 and \$80.45 per square foot of building area, including land, respectively. The subject's assessment reflects a market value of \$246,021 or \$61,505 per apartment unit or \$57.91 per square foot of building area, land included, which falls below the values established by the two best comparable sales in the record but justified when considering the subject's older age. 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: August 18, 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

William McNutt, by attorney:
Robert Rosenfeld
Robert H. Rosenfeld and Associates, LLC
33 North Dearborn Street
Suite 1850
Chicago, IL 60602

COUNTY

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