



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

APPELLANT: Edward Tuohy Investments
DOCKET NO.: 17-03780.001-R-1
PARCEL NO.: 04-28-417-009

The parties of record before the Property Tax Appeal Board are Edward Tuohy Investments, the appellant, by attorney Jessica Hill-Magiera in Lake Zurich; 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: \$9,447
IMPR.: \$23,771
TOTAL: \$33,218

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 dwelling of vinyl siding exterior construction with 1,124 square feet of living area. The dwelling was constructed in 1951. Features of the home include a crawl space foundation and a 572 square foot detached garage. The property has a 16,200 square foot site and is located in Beach Park, Benton Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant completed section IV of the residential appeal petition disclosing the subject property was purchased on November 18, 2016 for a price of \$58,000 or \$51.60 per square foot. Validation of the sale was provided in a statement from the Office of the Sheriff for Lake County which disclosed the "winning bid", suggesting a sale at auction. The appeal petition indicated the sale did not represent a transaction between family or related corporations, the property was sold by the owner and that the property was advertised for sale with a sign, internet and/or auction.

Additionally, the appellant submitted a copy of a February 18, 2018 memorandum to Township/County Assessor, County BOR and State PTAB entitled Appeals Based on Recent Sale of Subject Property. The memo highlighted the fact that compulsory sales are to be considered arm's length transactions. Language further stated that the subject's recent sale was not a transfer between family or related corporations and was advertised for sale on the open market and/or through the Multiple Listing Service (MLS). Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$33,218. The subject's assessment reflects a market value of \$100,205 or \$89.15 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. These comparables sold from January 2016 to October 2017 for prices ranging from \$70,000 to \$133,000 or \$86.21 to \$119.28 per square foot of living area, land included. The board of review also included a memorandum from the Lake County Board of Review reporting the subject sold at a Sheriff's auction which they deemed to be non-typical and therefore less reflective of market value. The memo also provided a summary of the subject property's listing and sale history for 2016 and 2018.

The board of review submitted two Multiple Listing Service (MLS) sheets for the subject property. The 2016 MLS sheet for the subject shows that the listing expired on July 12, 2016 after approximately six months of exposure and a list price of \$99,900. This listing describes the subject as being sold in "as is" condition with a "long time owner". The 2018 MLS sheet for the property indicates the subject sold in March 2018 for a purchase price of \$145,900. The property description indicates the subject had been updated including heating/cooling systems, flooring, kitchen and bathroom features.

Additionally, the board of review submitted the PTAX-203 Illinois Real Estate Transfer Declaration documents for verification of the subject's 2016 and 2018 sales. The transfer declaration associated with the subject's 2016 sale disclosed the property was not advertised for sale and the transaction was a court ordered sale which contradicts, in part, information submitted by the appellant in section IV of the appeal petition. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's counsel submitted a brief in which it was asserted that since the board of review did not dispute the recent sale of the subject property or contest its validity, the board of review's evidence was neither responsive no relevant to the basis of the appeal. Counsel also submitted copies of supporting statutory references and a copy of a Property Tax Appeal Board Decision rendered in Docket No. 15-01358.001-R-1 in support of her contention.

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 board of review presented sales data for four comparable properties for the Board's consideration, along with information concerning the 2016 sale of the subject property. The comparables were similar to the subject in location, design, age, dwelling size and most features. These properties sold from January 2016 to October 2017 for prices ranging from \$70,000 to \$133,000 or from \$86.21 to \$119.28 per square foot of living area, land included. The subject's assessment reflects a market value of \$100,205 or \$89.15 per square foot of living area which falls within the range established by the comparables sales in the record.

Of these comparables, the Board finds the best evidence of market value to be the board of review comparable #3 which has a similar site size, dwelling size, age and garage but differ from the subject with central air conditioning and a fireplace that the subject lacks. This property sold in October 2017 for \$120,000 or \$119.28 per square foot of living area, land included. The Board gave little weight to the subject's sale as the transaction was identified as a court ordered Sheriff's Sale which sold at auction and was not advertised in the traditional sense, calling into question the arm's length nature of the transaction. Furthermore, the subject's purchase price was significantly below the price of the best comparable sale in the record. Based on this record, 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: 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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