



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

APPELLANT: Thomas Schiltz
DOCKET NO.: 18-00251.001-R-1
PARCEL NO.: 06-09-311-024

The parties of record before the Property Tax Appeal Board are Thomas Schiltz, 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: \$15,100
IMPR.: \$55,468
TOTAL: \$70,568

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 2018 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 1,798 square feet of living area. The dwelling was constructed in 1995. Features of the home include a full walk-out basement with finished area, central air conditioning, two fireplaces and a 400 square foot garage. The property has a 17,859 square foot site and is located in Round Lake Beach, Lake Villa Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted a copy of the settlement statement disclosing the subject property was purchased on September 29, 2017 for a price of \$150,000. The settlement statement listed the seller as JVA II LLC and the buyer as Thomas M. and Margaret R. Schiltz. The settlement statement also revealed that government recording and transfer charges were paid for a Sheriff's Deed and no commissions were paid to any brokers. To further document the transaction, the appellant

provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosing the subject property was not advertised for sale and the property was transferred by Special Warranty Deed. The appellant did not complete Section IV – Recent Sale Data of the appeal petition. 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 \$70,568. The subject's assessment reflects a market value of \$213,325 or \$118.65 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Lake County of 33.08% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review asserted that page one of the appellant's settlement statement indicates that both the buyer and seller share the subject's address indicating they are related parties. The board of review provided a copy of a document identified as "Prior Years Online Bill" from Lake County Collector with respect to the subject property for tax year 2015 disclosing the appellant was the taxpayer of record prior to the subject's 2017 purchase date. The board of review argued that the subject property sold via a Sheriff's sale on September 21, 2017, just prior to being transferred to the appellant. In support of this claim the board of review provided a copy of the Sheriff's Deed which conveyed the subject property to JVA, LLC, along with a copy of an unnamed document purported to be the history of recorded documents associated with the subject property and the transfer declaration associated with the subject's February 2017 purchase.

In support of its contention of the correct assessment, the board of review submitted a grid analysis and property record cards of six comparable sales located from .459 to .577 of a mile from the subject property and within the subject's neighborhood as assigned by the assessor. The comparables have sites ranging in size from 6,970 to 10,019 square feet of land area. The comparables consist of three, part one-story and part two-story dwellings and three, two-story dwellings of wood siding exterior construction based on property record card data. The homes range in size from 1,564 to 1,820 square feet of living area. The dwellings were constructed from 1992 to 1996. Each comparable features a basement with three having a walk-out design and four having finished area. Five comparables have central air conditioning and each comparable has a garage that contains either 400 or 420 square feet of building area. In addition, four comparables each have one fireplace. The comparables sold from May 2017 to May 2018 for prices ranging from \$203,000 to \$226,000 or from \$118.08 to \$132.94 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject's assessment be sustained.

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 evidence of the recent purchase price of the subject and the board of review submitted six comparable sales to support their respective positions.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables are relatively similar to the subject in location, style, size, construction, age and features. These properties sold proximate in time to the assessment date at issue for prices ranging from \$203,000 to \$226,000 or from \$118.08 to \$132.94 per square foot of living area, including land. The subject's assessment reflects a market value of \$213,325 or \$118.65 per square foot of living area, including land, which falls within the range established by the board of review comparable sales demonstrating the subject property is not overvalued. The Board gives little weight to the subject's sale due to the fact that the appellant failed to complete Section IV – Recent Sale Data of the appeal petition or provide evidence demonstrating the purchase had the elements of an arm's length transaction. A copy of the transfer declaration associated with the sale disclosed the property was not advertised for sale, which is one of the key fundamental elements of an arms-length transaction. The board of review further put forth evidence questioning the relationship of the parties to the sale transaction. Based upon each of these foregoing factors, the Board finds the preponderance of the evidence demonstrates to this Board that the sale was not an arm's length transaction. Therefore, based on this record the Board finds a reduction in the subject's assessment based on overvaluation 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: October 20, 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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