



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

APPELLANT: Gerard Mosciano
DOCKET NO.: 18-00362.001-R-1
PARCEL NO.: 12-28-103-007

The parties of record before the Property Tax Appeal Board are Gerard Mosciano, 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: \$112,183
IMPR.: \$25,099
TOTAL: \$137,282

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 1.5-story cape-cod style dwelling of frame and brick exterior construction with 1,346 square feet of living area.¹ The dwelling was constructed in 1949. Features of the property include a full basement with finished area, central air conditioning and a 528 square foot two-car detached garage. The property has a 13,500 square foot site and is located in Lake Forest, Shields Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report prepared by Gordon E. Shore, a Certified Residential Real Estate Appraiser. The intended use of the retrospective appraisal is to estimate fair market

¹ The parties differ as to the size of the subject dwelling. The Property Tax Appeal Board finds the best evidence of dwelling size was presented by the appellant's appraisal which contained a schematic diagram and the calculations of the subject's size.

value as of January 1, 2017 for real estate tax assessment purposes. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. Under the sales comparison approach to value the appraiser utilized three comparable sales described as one, cape cod and two, ranch style dwellings ranging in size from 1,120 to 1,248 square feet of living area and are located from .04 of a mile to 1.86 miles from the subject property. The comparables were approximately 63 to 69 years old. Features of each comparable include a full basement that is partially finished; central air conditioning and a one-car or a two-car garage. Two comparables each have one fireplace. The properties have sites ranging in size from 8,773 to 12,212 square feet of land area. The comparables sold from March to October 2016 for prices ranging from \$362,500 to \$382,500 or from \$300.48 to \$341.52 per square foot of living area, including land. After considering adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$405,000 or \$300.89 per square foot of living area, including land, as of January 1, 2017.

The appellant also submitted information on four gridded comparable sales, comparables #1 through #3 were included in the appraisal. Gridded comparable sale #4 has an 8,773 square foot site and is located within .05 of a mile from the subject. It is described as a 1.5-story dwelling of wood siding exterior construction containing 1,377 square feet of living area. The dwelling was built in 1956. Features of the comparable include a full unfinished basement, central air conditioning and a 352 square foot detached garage. This property sold in November 2017 for a price of \$330,000 or \$239.65 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject property's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$137,282. The subject's assessment reflects a market value of \$415,000 or \$308.32 per square foot of living area, land included, when using 1,346 square feet of living area and 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 appellant's evidence, the board of review argued appellant's appraisal date is 12 months prior to the January 1, 2018 assessment date. In addition, the sales contained in the appraisal report sold in 2016, approximately 14 to 21 months prior to the January 1, 2018 assessment date and sale #3 is located nearly two miles from the subject. Lastly, the board of review argued appellant's gridded comparable sale #4 has 35% less land area, an unfinished basement, a frame exterior and a one-car garage when compared to the subject.

In support of the subject's assessment, the board of review submitted information on four comparable sales located within .919 of a mile of the subject property. The comparables are described as two, 1.75-story and two, 1.5-story dwellings of wood siding or brick exterior construction that range in size from 1,152 to 1,574 square feet of living area. The dwellings were constructed from 1900 to 1929. Each comparable has a basement, with two having finished area. Three comparables have central air conditioning, one comparable has a fireplace and each comparable has a garage ranging in size from 280 to 693 square feet of building area. The comparables are situated on sites ranging in size from 6,090 to 7,847 square feet of land area. The comparables sold from July to October 2017 for prices ranging from \$420,000 to \$520,000 or from \$330.37 to \$381.56 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

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.

As an initial matter regarding the appellant's appraisal, the Board gave little weight to the value conclusion in the appellant's appraisal dated January 1, 2017 which is 12 months prior to the January 1, 2018 assessment date and less probative of the subject's market value as of the assessment date at issue. Furthermore, the comparable sales utilized in the appraisal sold from 14 to 21 months prior to the assessment date of January 1, 2018 and thus, were less likely to be indicative of market value. The Board also finds the appraiser utilized two sales of dissimilar 1-story ranch style dwellings when compared to the subject's 1.5-story cape cod style dwelling and a sale that is located 1.86 miles from the subject. For these reasons, the appraisal report received little weight in the Board's analysis.

The Board also gave less weight to appellant's gridded comparable sale #4 along with board of review comparables #1 and #4 due to their unfinished basements when compared to the subject's finished basement. The Board finds the best evidence of market value to be board of review comparables #2 and #3. These comparables sold proximate in time to the assessment date at issue and are similar to the subject in location, dwelling size and features, although both comparables are older dwellings. The properties sold in July 2017 and October 2017 for prices of \$445,000 and \$420,000 or for \$334.34 and \$364.58 per square foot of living area, including land, respectively. The subject's assessment reflects an estimated market value of \$415,000 or \$308.32 per square foot of living area, including land, which is supported by the best comparable sales contained in the record. After considering any necessary adjustments to the comparables for differences such as age when compared to the subject, the Board the subject's assessment is well supported and 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 26, 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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