



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

APPELLANT: Susan Michael
DOCKET NO.: 18-01396.001-R-1
PARCEL NO.: 11-14-401-004

The parties of record before the Property Tax Appeal Board are Susan Michael, 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: \$80,389
IMPR.: \$209,996
TOTAL: \$290,385

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 one-story single-family dwelling of wood siding exterior construction with 6,418 square feet of living area.¹ The dwelling was constructed in 1990 with an addition built in 2009. Features of the home include a basement, central air conditioning, two fireplaces, a 1,397 square foot garage and a 1,008 square foot indoor pool.² The property is serviced by private septic and well with an 81,691 square foot site and is located in Green Oaks, Libertyville Township, Lake County.

¹ While the appellant reported a dwelling size for the subject of 5,021 square feet, she provided no data to support the calculation. Assessing officials measure dwelling size from outside measurements of above-ground living area for assessment purposes. The board of review submitted a copy of the subject's property record card with a schematic drawing supporting the dwelling size of 6,418 square feet of living area which is the best evidence.

² As part of the appellant's submission, she included a statement, attached to an aerial photograph of the subject property, "large driveway w/indoor pool non-taxable." The Property Tax Appeal Board would note, as to the inground indoor pool amenity, that the appellant's statement asserting this feature is not assessable as real property under the Property Tax Code is erroneous.

The appellant's appeal is based on both overvaluation and lack of assessment uniformity as to both the land and improvement assessments of the subject property. Upon initial review of the appellant's appeal filing, the Property Tax Appeal Board advised the appellant that the subject's recent sale price supported the current assessment despite any usage limitations of the property owner. With that notification, the appellant was given an opportunity to modify or supplement the evidence regarding lack of assessment equity concerning both the land and improvement assessments. (86 Ill.Admin.Code §1910.30(k)). In response to the notification, the appellant provided documentation including a new Section V grid analysis with four new comparables with both equity and sales data.

As part of the appeal, the appellant included a two-page letter outlining arguments for the appeal. In part, the appellant reported the dwelling has two full baths and three half-baths with a partially unfinished basement. The appellant in the letter reported that she cannot access the basement due to her disability³ and after the purchase, the basement bathroom has been removed from the dwelling. Additional modifications which were made subsequent to the purchase, according to the appellant, "have reduced the baths and room sizes to accommodate ramps, roll-in showers, machinery to transport the disabled owner from her wheelchair, to and from the bathroom, [to] her bed, etc." The petition also made reference to an attached list of improvements for disability although no such list was found in the record.

As part of the appeal, the appellant reported that the subject property was purchased in June 2018, six months after the assessment date at issue of January 1, 2018, for \$877,825 or for \$136.78 per square foot of living area, including land. As part of the petition, the appellant reported the property was purchased from the Joseph Massarelli Trust, the parties to the transaction were not related and the property was sold using a Realtor. Prior to the sale, the property was advertised with the Multiple Listing Service (MLS) for a period of 51 days and the property was purchased using a contract for deed. Moreover, the appellant reported having expended \$36,700 on the property for modifications related to disability before occupying the home on September 1, 2018.

In support of both the market value and inequity arguments, the appellant submitted two Section V grid analyses for a total of eight comparable properties. The comparables were described as being located from .9 of a mile to 4.8-miles from the subject property. The parcels range in size from 15,032 to 79,984 square feet of land area and were each improved with either a one-story, a two-story or a three-story dwelling of brick, brick and stone or wood siding exterior construction. The homes were built between 1991 and 2005 and range in size from 4,771 to 6,442 square feet of living area. Each home has a basement with finished area, central air conditioning, one to three fireplaces and a garage ranging in size from 676 to 1,323 square feet of building area. One of the comparables includes a coach house, a pool house along with an inground pool and one other comparable has an inground pool. The eight comparables have land assessments ranging from \$62,982 to \$81,647 or from \$1.02 to \$5.43 per square foot of land area and the eight

³ While the appellant's submission further disclosed the nature of the disability, the Board finds in light of HIPAA laws and giving due consideration to the determination of the correct assessment of the property based upon equity and the weight of the evidence, it is unnecessary to further reveal the medical details presented in the appellant's filing. The appellant also noted an application for disability exemption will be forthcoming to the local assessing officials.

comparables have improvement assessments ranging from \$172,974 to \$232,975 or from \$35.32 to \$47.45 per square foot of living area. The grid analysis depicts that these eight comparables were an active listing, sold or had a sale pending from October 2013 to December 2018 for prices ranging from \$734,000 to \$1,360,000 or from \$127.23 to \$283.33 per square foot of living area, including land.

Based on the foregoing evidence and argument, the appellant requested a reduced land assessment to \$60,000 or \$0.73 per square foot of land area and a reduced improvement assessment of \$190,000 or \$29.60 per square foot of living area which is based upon a dwelling size of 6,418 square of living area. The appellant's total requested reduced assessment of \$250,000 would reflect a market value of approximately \$750,000 or \$116.86 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of the subject totaling \$292,579 was disclosed. The subject's land assessment is \$80,389 or \$0.98 per square foot of land area and the improvement assessment is \$334,283 or \$33.06 per square foot of living area. The subject's assessment reflects an estimated market value of \$884,459 or \$137.81 per square foot of living area including land using the 2018 three-year median level of assessments for Lake County of 33.08%.

In response to the appellant's appeal, the board of review supplied a copy of the MLS listing of the subject property depicting an original asking price when listed of \$999,900. The property was under contract after 51 days and sold for \$877,825. It describes the dwelling as having 6,418 square feet of living area and an indoor heated pool with hot tub along with a four-car garage.

In support of the subject's assessment, the board of review presented a grid analysis of four suggested comparable properties along with applicable property record cards. The comparables were located within .631 of a mile from the subject and each is located in the same neighborhood code assigned by the assessor as the subject property. The comparable parcels range in size from 60,680 to 156,215 square feet of land area, each of which has been improved with a two-story dwelling of brick or wood siding exterior construction. The dwellings were built between 1984 and 1997 and range in size from 5,737 to 6,516 square feet of living area. Each home has a basement, central air conditioning, two to four fireplaces and a garage ranging in size from 794 to 2,753 square feet of building area. Based upon the underlying property record cards, comparable #1 has a large flagstone patio, comparable #2 has a tennis court and comparable #3 has both a bathhouse and a pool. The comparable have land assessments ranging from \$51,448 to \$96,467 or from \$0.62 to \$0.97 per square foot of land area and improvement assessments ranging from \$275,540 to \$283,127 or from \$42.56 to \$49.35 per square foot of living area. Having examined the underlying property record cards for the board of review comparables, the documentation reveals that comparables #1 and #3 had recent sale prices. Comparable #1 sold in June 2018 for \$809,000 or for \$124.16 per square foot of living area, including land, and comparable #3 sold in March 2016 for \$968,000 or for \$167.91 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment which reflects the recent purchase price of \$877,825 at the statutory level of assessment of 33.33%.

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 evidence disclosed that the subject property was purchased in June 2018 for a price of \$877,825 or \$136.78 per square foot of living area, including land. The sale occurred only six months after to the assessment date at issue of January 1, 2018 and the board of review's responsive evidence did not contest the arm's-length nature of the sale of the subject property.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill. App. 3d 369 (1st Dist. 1983), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Board finds the best evidence of the subject's fair market value in the record is the June 2018 sale price of \$877,825. The Property Tax Appeal Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value. Moreover, the board of review did not contest the arm's-length nature of the subject's sale. The subject's assessment reflects an estimated market value of \$884,459, including land, utilizing the 2018 three-year median level of assessment for Lake County of 33.08%, which is higher than its actual recent arm's-length sale price from six months later. Since the fair market value of the subject has been established, the Board finds that the 2018 three-year median level of assessments for Lake County of 33.08% shall apply and a reduction in the subject's assessment is accordingly warranted.

The appellant also asserted unequal treatment in the subject's land and improvement assessments as bases of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds there is no basis for a reduction

in the subject's land assessment on this record and, after having adjusted the subject's improvement assessment based on its market value, no further reduction based on assessment inequity is warranted on this record.

In conclusion, the Board finds the appellant demonstrated overvaluation by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted on grounds of overvaluation.

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: September 15, 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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