



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

APPELLANT: Marta Hoelter
DOCKET NO.: 18-01915.001-R-1
PARCEL NO.: 16-29-110-005

The parties of record before the Property Tax Appeal Board are Marta Hoelter, 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 **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: \$56,860
IMPR.: \$115,156
TOTAL: \$172,016

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 2,000 square feet of living area. The dwelling was constructed in 1967. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 441 square foot garage. The property is located in Deerfield, West Deerfield Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within 0.41 of a mile from the subject property. The comparables are improved with two-story dwellings of brick or wood siding exterior construction that range in size from 1,664 to 2,539 square feet of living area. The homes were built from 1942 to 1982. Each comparable has a basement, two with finished area, central air conditioning, one fireplace and a garage ranging from 396 to 550 square feet of building area. The comparables sold from October 2016 to May 2018 for prices ranging from

\$333,500 to \$400,000 or from \$147.70 to \$204.50 per square foot of living area, land included. Based on this evidence, the appellant requested the subject's assessment be reduced to \$122,804.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$179,023. The subject's assessment reflects a market value of \$541,182 or \$270.59 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 support of its contention of the correct assessment the board of review submitted information on four comparable sales located within approximately 0.40 of a mile from the subject property. The board of review comparable #3 is the same sale as the appellant's comparable #1. The comparables are improved with two-story dwellings of brick or wood siding exterior construction that range in size from 1,956 to 2,784 square feet of living area. The homes were built from 1950 to 1982. Each comparable has a basement, one with finished area, central air conditioning, one fireplace and a garage ranging in size from 240 to 550 square feet of building area. The comparables sold from October 2016 to October 2017 for prices ranging from \$400,000 to \$650,000 or from \$204.50 to \$278.62 per square foot of living area, land included.

The board of review asserted that the appellant's comparable #2 was purchased as a tear down and comparable #3 was purchased in need of rehab. In support of these assertions, the board of review submitted Multiple Listing Service (MLS) sheets for the 2017 sale of appellant's comparable #2 and a 2019 active listing for the same parcel which depicts a new construction home. The board of review also submitted the MLS sheet for the appellant's comparable sale #3 which describes the property as "needs rehabbing, but great bones." Based on this evidence, the board of review requested the subject'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 met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains six comparable sales for the Board's consideration where one comparable was common to both parties. The Board gave less weight to the appellant's comparables #2 and #3 based on MLS information which calls into question the condition of these properties at the time of sale. The Board gave less weight to board of review comparable #2 based on its significantly larger dwelling size when compared to the subject. The Board gave less weight to board of review comparable #4 which sold in October 2016 and is dated and less indicative of fair market value as of the subject's January 1, 2018 assessment date.

The Board finds two comparable sales to be the best evidence of market value. These include the common comparable and board of review comparable #3 which are more similar to the subject in location, design, dwelling size and most features. These comparables sold in January

and October 2017 for prices of \$400,000 and \$580,000 or \$204.50 and \$255.96 per square foot of living area, including land. The subject's assessment reflects a market value of \$541,182 or \$270.59 per square foot of living area, including land, which falls within the overall value range and above the price per square foot range established by the best comparable sales in this record. After considering adjustments to the comparables for differences with the subject, the Board finds a reduction in the subject's assessment is 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: 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Marta Hoelter, 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