



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

APPELLANT: Mary Stubitz
DOCKET NO.: 18-02105.001-R-1
PARCEL NO.: 13-36-101-073

The parties of record before the Property Tax Appeal Board are Mary Stubitz, the appellant, by attorney Andrew J. Rukavina, of The Tax Appeal Company in Mundelein; 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: \$83,353
IMPR.: \$144,535
TOTAL: \$227,888

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 brick dwelling with 4,397 square feet of living area. The dwelling was constructed in 1996 and was 22 years old at the time of the appraisal. Features of the home include a basement with finished area, central air conditioning, one fireplace, and a three-car garage with 768 square feet of building area. The property has a 21,780 square foot site and is located in Barrington, Cuba Township, Lake County.

The appellant's appeal is based on overvaluation. The appellant submitted an appraisal report with an estimated market value of \$650,000 as of January 1, 2018. The appraisal was prepared by Steven L. Smith, a State Certified Residential Real Estate Appraiser, and the property rights appraised were fee simple. The intended use of this appraisal was to evaluate the property for a real estate tax appeal.

In estimating the market value, the appraiser developed the sales comparison approach to value. Under the sales comparison approach to value, the appraiser utilized five comparable sales and one active listing of properties located within .58 of a mile from the subject. The comparables ranged from 10 to 33 years old and are described as two-story dwellings containing 3,236 to 4,495 square feet of living area. The comparables each have a basement, five of which have finished area. Two are walk-out basements and one is an English basement. Each of the comparables has central air conditioning, one to three fireplaces, and a three-car garage. The dwellings are situated on sites ranging in size from 14,078 to 85,857 square feet of land area. Three of the comparables have either a wooded view or a pond view; one comparable backs to a busy road. Comparables #1 through #5 sold from May 2016 to December 2017 for prices ranging from \$602,500 to \$808,000 or from \$139.04 to \$196.45 per square foot of living area, including land. Comparable #6 was listed for \$649,900 or \$168.54 per square foot of living area, including land, and had been on the market for 11 days. After applying adjustments to the comparables for differences from the subject in lot size, view, dwelling size, exterior features, and basement type and/or finish, the appraiser arrived at adjusted prices ranging from \$640,670 to \$661,180 or from \$146.05 to \$197.98 per square foot of living area, land included,. Based on these adjusted sale prices, the appraiser arrived at an opinion of market value for the subject of \$650,000 as of January 1, 2018. Based on the evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$227,888. The subject's assessment reflects a market value of \$688,900 or \$156.67 per square foot of living area, land included, when applying 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 appellant's evidence, the board of review argued that the appraisal submitted in the instant appeal "appears to be based on a clone of the report submitted" for appellant's 2017 appeal which concluded a value of \$670,000. The board of review argued that "[a]lthough the appraiser indicated both exterior and interior inspections were conducted for each report, the 2018 appraisal contains the same interior and exterior photographs provided in the 2017 appraisal report. Also, the photographs provided show landscaping features typical of the summer months, while the inspection date stated by the appraiser is mid-winter (January 1 in each appraisal.)"¹ The board of review noted that the appraisal report did not include exterior photographs of any of the appraisal comparables and critiqued some of the adjustments made to the comparables by the appraiser.

In support of its contention of the correct assessment of the subject property, the board of review submitted a grid analysis for the subject and four comparable sales, three of which were used in appellant's appraisal.² The board of review also submitted property record cards and listing sheets for some of the properties. The board of review comparables are located from .063 to .593 of a mile from the subject. Board of review comparable #1 is located on the same block and has

¹ A copy of the 2017 appraisal report which was prepared by the same appraiser as the 2018 report was submitted by the board of review.

² Board of review comparable sales #2 and #4 are the same properties as appraisal comparable sales #1 and #5. Board of review comparable sale #1 represents the sale of appraisal comparable #6 which was only a listing at the time of the appraisal.

the same neighborhood code as the subject. The comparables are improved with two-story brick or wood-sided dwellings that were constructed from 1996 to 2003 and range in size from 3,403 to 4,158 square feet of living area. The comparables each have a full or partial basement.³ The comparables also feature central air conditioning, one or two fireplaces, and a garage containing 668 to 879 square feet of building area. The dwellings are situated on lots that range in size from 14,796 to 81,695 square feet of land area. The comparables sold from October 2017 to October 2018 for prices ranging from \$637,000 to \$735,000 or from \$164.32 to \$176.77 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Appellant's counsel submitted a brief in rebuttal arguing that the board of review really only submitted one comparable property since it used three of the same comparables used in the appellant's appraisal. Counsel argued that "[a]ssessor comparable #1 is also one of our comparables. It is NOT an active listing. It sold for \$637,000 in 2018. Appellant has presented this with appropriate adjustments to account for the differences between the two properties." Counsel argues that all three of the comparables common to both parties were appropriately adjusted by the appraiser to account for differences between the comparables and the subject property and the assessor's evidence has "a complete lack of supportive and probative counter evidence."

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 based on the evidence submitted for its review, a reduction in the subject's assessment is not warranted.

The Board finds the appellant submitted an appraisal and the board of review submitted a grid analysis and property record cards for the subject property and four comparable sales, three of which were also included on appellant's appraisal. The board of review also submitted listing sheets and a copy of the 2017 appraisal of the subject property with a conclusion of value of \$670,000 as of January 1, 2017.

The Board gave less weight to the conclusion of value contained in the appellant's appraisal for several reasons. First, the 2018 appraisal did not contain exterior photos of any of the appraisal comparables to illustrate the similarity of the comparables to the subject. Next, the 2018 appraisal appears to contain the same exact photos contained in the 2017 appraisal submitted by the board of review, and although both appraisals state that the inspection of the property occurred on January 1 of the appraisal year, the exterior photos depict trees in full leaf which

³ The grid analysis and property record cards indicate that comparables #1 and #2 each have finished basements and comparables #3 and #4 have unfinished basements, however, the listing sheets submitted by the board of review show comparables #3 and #4 as having basement recreation rooms. This disparity will not impact the Board's decision.

would not be the case in Barrington in January of any year. Further, the conclusion of value dropped \$20,000 from the January 1, 2017 valuation date to January 1, 2018 valuation date which is not borne out by the appraiser's statement on the 2018 appraisal submitted by the appellant that property values have been stable over the past 12 months, calling into question the credibility of his conclusion of value. The Board will, however, analyze the raw sales data of the comparables used in the appraisal.

The Board gives less weight to the appellant's appraisal comparables #2 and #3 and board of review comparable #2 which differ from the subject in age and/or dwelling size. The Board also gives less weight to appraisal comparable #4 as its May 2016 sale is dated relative to the January 1, 2018 assessment date at issue.

The Board finds that remaining three comparables, all of which are common to both parties,⁴ were the best comparables submitted in the record and were similar to the subject in age, location, design, dwelling size and most features, although two of the comparables have much larger land areas than the subject property suggesting downward adjustments would be required to make them more similar to the subject. These comparables sold from October 2017 to October 2018 for prices ranging from \$637,000 to \$735,000 or from \$165.20 to \$176.77 per square foot of living area, land included. The subject's assessment reflects an estimated market value of \$688,900 or \$156.67 per square foot of living area, land included, which falls within the range established by the best comparables submitted for the Board's consideration on an overall basis but below the range on a per square foot basis which is logical given the subject's slightly larger dwelling size compared to these best comparables. After considering any adjustments to the comparables for differences from the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported and a reduction in the subject's assessment is not justified.

⁴ Although appraisal comparable #6 is the same property as board of review comparable #1, the Board will analyze the comparable based on its October 2018 sale price and not based on the listing price or adjusted listing price as shown on the appellant's appraisal.

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: November 16, 2021



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

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