



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

APPELLANT: Stephen Legge
DOCKET NO.: 18-02265.001-R-1
PARCEL NO.: 05-09-301-006

The parties of record before the Property Tax Appeal Board are Stephen Legge, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; 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: \$41,464
IMPR.: \$92,786
TOTAL: \$134,250

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, wood-sided residential dwelling with 2,694 square feet of living area. The dwelling was constructed in 1984 and was 34 years old at the time of the appraisal. The home features a 2,312-square foot finished walk-out basement, central air conditioning, a six-car garage with 1,320 square feet of building area and features four brick patios and a wood deck. The dwelling is situated on a 11,700 square foot lakefront site and is located in Fox Lake, Grant Township, Lake County.

The appellant filed an appeal on the basis on overvaluation. In support of this argument, the appellant submitted a retrospective market value appraisal report concluding with an estimated market value of \$300,000 as of January 1, 2018. The appraisal was prepared by Agnieszka Jurowska, Certified General Real Estate Appraiser. The property rights appraised were fee simple and based upon interior and exterior inspections of the property. The appraisal was

intended for use in a tax protest and was based on the assumption that the condition of the property was unchanged from the January 1, 2018 appraisal date and the August 27, 2018 inspection date. The appraiser described the subject property as being in overall fair condition.

In estimating the market value, the appraiser developed the cost approach and market data approaches to value. The appraiser stated that he did not develop the income approach even though it may be deemed applicable as the subject was being occupied by the homeowner and due to the condition of the property.

Under the cost approach, the appraiser estimated the replacement cost new for the subject property as \$289,500 as of January 1, 2108. He based this conclusion using information from Marshal and Swift, cost manuals and cost estimators. The cost of construction was based as on estimates taken for the fourth quarter of 2017.

Under the sales comparison approach to value, the appraiser analyzed six comparable properties located from .15 of a mile to 3.08 from the subject property. The comparables are described as being one-story, two-story, "traditional" or bungalow-style residential dwellings ranging in size from 2,322 to 3,385 square feet of living area. The dwellings are 14 to 78 years old. The comparables each have central air conditioning and a one-car or two-car garage and are described as having three to six bedrooms and 2-½ or 3 bathrooms. Three of the dwellings have either a partial unfinished basement or a full basement with finished area. Three comparables are described as having no basement. Comparable #5 is an active listing. Comparable #6 is characterized as "pending." Comparables #1 through #4 sold from June to October 2017 for prices ranging from \$355,000 to \$445,000 or from \$131.46 to \$174.60 per square foot of living area, including land. The appraiser made adjustments to the comparables for lot size, condition, dwelling size, garage size, patios and/or decks and basements but not for age as he stated it was better in this case to make adjustments based on condition rather than age. He made adjustments to the comparables ranging from -24.9% to -39.6% of their purchase prices or from -\$109,600 to -\$164,200. After applying adjustments to the comparables for differences when compared to the subject, the appraiser arrived at adjusted values ranging from \$222,000 to \$391,000 and concluded the subject had an estimated market value of \$300,000 as of January 1, 2018.

The appraiser noted that the subject property was purchased by the appellant in December 2015 for \$325,000. In his comments on the condition, depreciation and functional utility of the property, the appraiser stated that the subject is "continuously undergoing a rehabilitation which makes in presently uninhabitable on the main and second levels as it possesses no bedrooms, no bathrooms or fully functional kitchen. All drywall and insulation are exposed which creates a functional deficiency that affects livability, soundness, and structural integrity of the subject property." He further disclosed that the "walk out lower level area is currently occupied as it is finished with a rec. (sic) room and family room, three full bathrooms, office area and a wet bar." The photographs submitted with the appraisal support that the property was being extensively rehabilitated as of the August 27, 2018 inspection.

The appraiser included a narrative explaining the bases of his adjustments to the comparables and stated that minimal adjustments were made for the comparables smaller garages as the subject's six-car garage may be considered a superadequacy were the property placed for sale.

He stated that he gave most weight to comparables #1 and #2 as they are located in closest proximity to the subject.

Based on this analysis, the appraiser arrived at an opinion of market value of \$300,000 as of January 1, 2018. The appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$134,250. The subject's assessment reflects a market value of \$405,834 or \$150.64 per square foot of living area, land included,¹ 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 the appellant's evidence, the board of review submitted a critique of the appraisal comparables. The board stated that the subject is located on Pistakee Lake which is a part of the Chain O' Lakes but that comparables #3, #4 and #5 are located on Long Lake which has inferior marketability compared to lakefront properties on the Chain 'O Lakes but no adjustment was made for this factor in the appraisal. The board disclosed that appraisal comparable #2 was a "water view" property but not a lakefront property as there is a parcel of vacant land owned by another taxpayer between comparable #2 and the Pistakee lake shore, but no adjustment was made for the inferior location. The board noted that all of the appraisal comparables were adjusted down by \$150,000 for condition and that no comparables in similar condition to the subject were used. The board disclosed that the subject property has a 2,216 square foot finished walkout basement with a lake view and that the finished basement features three full bathrooms, two bedrooms and one rec room but the adjustments for basement area, finished basement area and/or no basement in the appraisal are low and contradict themselves. According to the subject's property record, the subject property is characterized as a triplex containing three living units and features four brick patios and a wood deck.

In support of its contention of the correct assessment of the subject property, the board of review submitted property record cards and a grid analysis on the sales of four comparable properties, one of which was also used in appellant's appraisal.² The comparables are located within .392 of a mile from the subject and all have the same neighborhood code as the subject. The comparables consists of one-story to two-story wood-sided single-family residential dwellings containing 1,931 to 2,520 square feet of living area. The dwellings were constructed from 1930 to 1993. The comparables each have central air conditioning and garage a ranging in size from 400 to 643 square feet of building area. Three of the comparables have one or two fireplaces. Two comparables have either a 686 or 1,347 square foot basement, one with finished area. Two comparables have crawl space foundations. The comparables sold from August 2017 to October 2018 for prices ranging from \$316,000 to \$440,000 or from \$146.30 to \$174.60 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

¹ The appellant submitted a copy of the Notice of Findings by the Lake County Board of Review which discloses that the subject property originally had a 2018 total assessment of \$193,479 on which the board noted that it had approved a decrease of \$59,229 on the building value resulting in a revised total assessment of \$134,250.

² Board of review comparable #2 is the same property as appellant's appraisal comparable #2.

In rebuttal, appellant's counsel argued that the board of review submitted "raw, unconfirmed and unadjusted" sales comparables, all of which are significantly smaller and three of which sold after the January 1, 2018 assessment date at issue. Appellant objected to board of review sale comparable #2 (which is the same property shown as comparable #2 in appellant's appraisal) because it is not similar to the subject in terms of age or design. As the board of review comparables were not adjusted for time, market conditions, age, size, etc., appellant's counsel requested that no weight be given to the board of review comparables.

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.

To support their respective positions, the Board finds the appellant submitted an appraisal while the board of review provided a grid analysis and property record cards for the subject property and four comparable sales, one of which was also used in appellant's appraisal.

The Board gave less weight to the conclusion of value contained in the appellant's appraisal as five of the appraisal comparables are located over one mile distant from the subject, in a different city and/or on a different lake than the subject. The comparables required substantial downward adjustments, ranging from 24.9% to 39.6% of their respective purchase prices, calling into question their comparability to the subject. Further, the subject property was being extensively renovated at the time of the inspection and thus appraiser's assumption that the property condition was unchanged from that of January 1, 2018 is not credible. The Board will instead make an analysis based on the raw sales data provided by the appraiser.

The Board gave less weight to appellant's appraisal comparable #1, #3, #4, #5 and #6 for the above-stated reasons.

The Board finds the board of review comparables, which includes appellant's appraisal comparable #2, to be the best comparables submitted for the Board's consideration. Although these comparables have vastly varying degrees of similarity to the subject in age, design, lot size, dwelling size, foundation size, type and/or finish, and garage size, they are all located in the city of Fox Lake on Pistakee Lake, have the same neighborhood code as the subject, and sold in close proximity to the January 1, 2018 assessment date at issue. These comparables sold from August 2017 to October 2018 for prices ranging from \$316,000 to \$440,000 or from \$146.30 to \$174.60 per square foot of living area, including land. The subject's assessment reflects a market value \$405,834 or \$150.64 per square foot of living area, including land, which falls within the range established by the best comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds 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:

February 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

AGENCY

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

APPELLANT

Stephen Legge, by attorney:
Joanne Elliott
Elliott & Associates, P.C.
1430 Lee Street
Des Plaines, IL 60018

COUNTY

Lake County Board of Review
Lake County Courthouse
18 North County Street, 7th Floor
Waukegan, IL 60085