



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

APPELLANT: Kenneth Eigner
DOCKET NO.: 18-02321.001-R-1
PARCEL NO.: 11-28-201-025

The parties of record before the Property Tax Appeal Board are Kenneth Eigner, the appellant, by attorney Jessica Hill-Magiera in Lake Zurich; 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: \$58,839
IMPR.: \$86,668
TOTAL: \$145,507

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 2,252 square feet of living area. The dwelling was constructed in 1983. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 462 square foot garage. The property has an 8,088 square foot site and is located in Libertyville, Libertyville Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted three comparable sales. The comparables have varying degrees of similarity when compared to the subject in location, design, age, dwelling size and features. The comparables sold from May to November 2017 for prices ranging from \$427,500 to \$455,000 or from \$174.78 to \$186.02 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$131,952 which equates to a market value of \$395,896 when applying the statutory 33.33% assessment rate.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$145,507. The subject's assessment reflects a market value of \$439,864 or \$195.32 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 argued the Property Tax Appeal Board's issued decision pertaining to the subject property for the prior 2016 tax year under Docket Number 16-04864-001-R-1. In that appeal, the Property Tax Appeal Board issued a decision based on an agreement between the parties lowering the subject's assessment to \$133,605. The board of review argued the subject's 2018 assessment reflects the Property Tax Appeal Board's 2016 decision plus application of the 2017 and 2018 equalization factors of 1.0547 and 1.0326, respectively, as provided by section 16-185 of the Property Tax Code ($\$133,605 \times 1.0547 \times 1.0326 = \$145,507$). (35 ILCS 200/16-185)

The board of review also submitted six suggested comparable sales in further support of its assessment of the subject property. The comparables have varying degrees of similarity when compared to the subject in location, design, age, dwelling size and features. The comparables sold from March to October 2017 for prices ranging from \$387,500 to \$480,900 or from \$178.16 to \$224.41 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be sustained.

The Property Tax Appeal Board makes note of the decision under Docket Number 17-03746-001-R-1 in which the Board reduced the subject's 2017 assessment to \$140,913 reflecting the 2016 decision plus application of the 2017 equalization factor. This reduction was requested by the board of review.

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 a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board finds the subject property was the matter of an appeal before this Board for prior tax years under Docket Numbers 16-04864.001-R-1 and 17-03746-001-R-1. In those appeals, the Property Tax Appeal Board rendered decisions lowering the subject's 2016 assessment to \$133,605, based on an agreement between the parties, and lowering the subject's 2017 assessment to \$140,913 to reflect application of the 2017 equalization factor to the 2016 agreed assessment level. The Property Tax Appeal Board takes notice that Lake County's quadrennial general assessment period began in the 2015 tax year and continues through the 2018 tax year. The Board further finds section 16-185 of the Property Tax Code is controlling in this appeal. (35 ILCS 200/16-185).

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board finds this record disclosed the subject property is an owner-occupied residence and the 2015 through 2018 tax years are within the same general assessment period. The Board finds the record shows that equalization factors of 1.0547 and 1.0326 were issued in Libertyville Township for the 2017 and 2018 tax years, respectively. The record contains no evidence showing the Board's 2016 decision was reversed or modified upon review and there was no evidence the subject property sold in an arm's length transaction establishing a different fair cash value. The Board further finds that the subject's 2017 assessment was reduced to reflect the 2016 decision plus application of the 2017 equalization factor. Applying section 16-185 of the Property Tax Code (35 ILCS 200/16-185) to the Board's prior 2016 decision results in an assessment of \$145,507 ($\$133,605 \times 1.0547 \times 1.0326 = \$145,507$). The subject's final 2018 assessment as established by the board of review was \$145,507. Considering the statutory mandates of section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the Property Tax Appeal Board finds no change in the subject's assessment is warranted.

Additionally, notwithstanding the dictates of Section 16-185 of the property Tax Code, the record contains nine sales submitted by the parties to support their respective arguments. The Board gives less weight to the board of review comparables #2 through #5 due to older age relative to the subject. The five remaining comparables are more similar to the subject in terms of location, age, design, dwelling size and most features. These properties sold from April to November 2017 for prices ranging from \$427,000 to \$455,000 or from \$174.78 to \$205.29 per square foot of living area, including land. The subject's assessment reflects a market value of \$439,864 or \$195.32 per square foot of living area, land included, which is within the range established by the comparables. After considering adjustments to the comparables for differences with the subject, the Board finds the comparables demonstrate the subject property is not overvalued for assessment purposes.

For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted.

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: July 21, 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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