



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

APPELLANT: Brian & Heather Pozzi
DOCKET NO.: 18-02332.001-R-1
PARCEL NO.: 14-02-402-013

The parties of record before the Property Tax Appeal Board are Brian & Heather Pozzi, the appellants, by Jessica Hill-Magiera, Attorney at Law, 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 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: \$34,617
IMPR.: \$132,841
TOTAL: \$167,458

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 an owner-occupied two-story dwelling of brick exterior construction with 3,395 square feet of living area. The dwelling was constructed in 2002. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 736 square foot garage. The property has a 58,641 square foot site and is located in Hawthorn Woods, Ela Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information on five comparable sales improved with two-story dwellings with wood siding or brick exteriors that range in size from 3,323 to 3,724 square feet of living area. The homes were built from 1989 to 2003. Each property has an unfinished basement, central air conditioning, one or two fireplaces and a garage ranging in size from 576 to 713 square feet of building area. These properties are located from .01 to .67 of a mile from the

subject property with sites ranging in size from 39,924 to 51,957 square feet of land area. The sales occurred from February 2017 to August 2018 for prices ranging from \$412,000 to \$510,000 or from \$120.01 to \$145.84 per square foot of living area, including land. Based on these five sales the appellants requested the subject's assessment be reduced to \$151,927 reflecting a market value of \$455,827 or \$134.26 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$181,049. The subject's assessment reflects a market value of \$547,307 or \$161.21 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 response to the appellants' comparable sales data, the board of review provided documentation and asserted that sale #1 was a short sale which sold "as-is" and appellants' sale #3¹ sold without "recent MLS exposure." Additionally, as to appellant's comparable sale #2 the board of review highlighted MLS listing comments that the basement was unfinished and "ready for your creativity."

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales, where board of review comparable #1 is the same property as appellants' comparable #1. The comparables are improved with two-story dwellings with brick or wood siding exteriors that range in size from 3,136 to 3,497 square feet of living area. The homes were built from 1987 to 2003. Each comparable has an unfinished basement, central air conditioning, one or two fireplaces and a garage ranging in size from 609 to 1,045 square feet of building area. The comparables sold between May 2016 and June 2017 for prices ranging from \$462,500 to \$578,750 or from \$143.19 to \$176.39 per square foot of living area, including land.

The board of review also proposed a stipulation as part of its evidence offering to reduce the subject's total assessment to \$171,996 or a market value of approximately \$516,040.

In written rebuttal, counsel for the appellants rejected the stipulation offer. As to the purported lack of advertising for appellants' sale #3, the appellants submitted an unsigned/unrecorded copy of a PTAX-203 Illinois Real Estate Transfer Declaration related to the transaction which was marked that the property had been advertised. As to the short sale information concerning sale #1, the appellants cited to Section 16-183 of the Property Tax Code (35 ILCS 200/16-183).

In response to the board of review's comparable sales evidence, the appellants contend that sales #3 and #4, each of which sold in 2016, are too remote in time to be indicative of the subject's estimated market value as of January 1, 2018. Lastly, the appellants contended that the best sales in the record were appellants' comparables #1 through #4 along with board of review comparable #2 which all support a reduction in the subject's assessment as the median sale price is \$135.52 per square foot of living area, including land, as compared to the subject's estimated market value based on its assessment of approximately \$160.00 per square foot of living area, including land.

¹ Based on the address on the documentation, the board of review misidentified this property which is actually appellants' sale #3.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

First, the Board finds that 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 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.

35 ILCS 200/16-185. The Board finds that the subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2017 tax year under Docket No. 17-03840.001-R-1 in which a decision was issued reducing the subject's assessment to \$165,440. The record, based on the property record card of the subject property, further disclosed the subject property is an owner-occupied dwelling. The Board also finds that the 2017 and 2018 tax years are within the same general assessment period and an equalization factor of 1.0122 was applied in Ela Township in 2018. Furthermore, there was no evidence the property sold establishing a different fair cash value. Therefore, the Property Tax Appeal Board's finds the assessment as established by decision for the 2017 tax year should be carried forward through the 2018 tax year subject only to the equalization factor applied in 2018, which results in a reduction of the assessment from what was determined by the Lake County Board of Review.

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the record contains eight sales submitted by the parties, with one common property, to support their respective arguments. The Board gives less weight to appellants' comparables #1, #2, #3 and #5 as these dwellings are older than the subject which was built in 2002. Less weight has been given to board of review comparables #3 and #4 as these properties sold in 2016, dates more remote to the valuation date at issue of January 1, 2018 and thus less likely to be indicative of the subject's estimated market value at issue. The two remaining comparables are relatively similar to the subject property with the exception that each has a smaller basement than the subject property, suggesting upward adjustments would be appropriate to the comparables to make them more equivalent to the subject property. These properties both sold in June 2017 for \$510,000 and \$462,500 or for \$145.84 and \$143.19 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$547,307 or \$161.21 per square foot of living area, land included, which is above the best comparables both in terms of overall value and on a square foot basis. However, if the reduction in assessment based on

Section 16-185 is applied, the subject's assessment reflects a market value of \$506,221 or \$149.11 per square foot of living area, including land, which is supported by the best two comparable sales in the record in terms of overall value and when giving due consideration for adjustments due to the subject's larger basement. Therefore, the Board finds the comparables demonstrate the subject property is not overvalued for assessment purposes once Section 16-185 is applied.

For these reasons, the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted based on application of Section 16-185 of the Property Tax Code.

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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