



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

APPELLANT: Phillip D'Angelo
DOCKET NO.: 19-02874.001-R-1
PARCEL NO.: 16-29-101-003

The parties of record before the Property Tax Appeal Board are Phillip D'Angelo, the appellant, by attorney Harry Fournier, of Fournier Law Firm, Ltd. in Oak Brook; 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: \$54,559
IMPR.: \$73,712
TOTAL: \$128,271

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 2019 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 colonial style dwelling of brick and aluminum siding exterior construction with 1,664 square feet of living area. The dwelling was constructed in 1954 is approximately 64 years old and has an effective age of 30 years. Features of the home include a basement with finished area, central air conditioning, a fireplace and a 2-car garage with 418 square feet of building area. The property has an 18,750 square foot site and 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 an appraisal estimating the subject property had a market value of \$390,000 as of January 1, 2019. The appraisal was prepared by Peter Manaves, a certified residential real estate appraiser.

The intended use of the appraisal report was to provide an opinion of market value for tax appeal purposes. The appraiser described the subject property as having inferior functional utility due to its fewer bathrooms and smaller garage relative to expectations in the subject's market. The appraiser noted that the subject was advertised as "in need of rehabbing" in a Multiple Listing Service (MLS) sheet associated with the October 2016 sale of the property. The appraiser stated in the report that "no remodeling nor upgrading has been done to the subject subsequent to its purchase" in October 2016. With respect to the subject's site size, the appraiser reported that the lot's narrow but deep configuration was considered less desirable in the subject's market.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using six comparable sales located from 0.58 to 0.96 of a mile from the subject property. The comparables have sites that range in size from 6,250 to 20,600 square feet of land area and are improved with two-story or colonial style dwellings of average quality construction that range in size from 1,640 to 2,608 square feet of living area. The homes range in age from 37 to 104 years old. Each comparable has a basement, three with finished area and a 1-car or a 2-car garage. Five comparables have central air conditioning and three comparables each have one fireplace. The comparables sold from May 2017 to November 2018 for prices of \$347,500 to \$437,510 or from \$159.21 to \$217.98 per square foot of living area, land included.

The appraiser adjusted the comparables for differences with the subject in seller paid concessions, date of sale, location, site size, room count, dwelling size, finished basement area, lack of central air conditioning, garage size and other features. The appraiser provided a summary of the adjustments applied to the comparables. After adjustments, the appraiser arrived at adjusted prices ranging from \$372,500 to \$404,100 and an opinion of market value for the subject of \$390,000.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$130,000 which equates to a market value of approximately \$390,000 or \$234.38 per square foot of living area, land included when applying the statutory assessment level of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$146,972. The subject's assessment reflects a market value of \$446,859 or \$268.55 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Lake County of 32.89% 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 comparables located in different assessment neighborhood codes than the subject property but identified as being in the subject's immediate market area by the board of review. The comparables have sites that range in size from 6,250 to 10,140 square feet of land area and are improved with a two-story, a one-story and two, 1.75-story dwellings of brick, wood siding or brick and wood siding exterior construction that range in size from 1,036 to 1,644 square feet of living area. The homes were built from 1947 to 1953. Three comparables have a basement, two with finished area and one comparable has a concrete slab foundation. Three comparables have central air conditioning, one comparable has a fireplace and each comparable has a garage ranging in size from 286 to 600 square feet of building area. The comparables sold from June

2018 to April 2020 for prices ranging from \$390,000 to \$450,000 or from \$268.28 to \$376.45 per square foot of living area, land included.

The board of review also submitted property record cards on the subject and its comparable sales along with MLS sheets on its comparable properties. Property record cards for comparables #1, #3 and #4 include permits for improvements to the properties. The subject's property record card disclosed no permits issued subsequent to the October 2016 sale. MLS sheets describe comparable #1 as beautifully updated, comparable #3 as fully updated and comparable #4 as completely remodeled. Written comments from the board of review critique the appraisal as providing a retrospective value while the field visit to the subject was completed in November 2019. The board of review appeared to question the validity of the subject's reported condition given the appraiser's exterior only inspection. The board of review critiqued appraisal sales #5 and #6 as being substantially larger in dwelling size when compared to the subject. It also argued that the appraiser's land adjustment was conservative based on a recent land sale. 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.

Initially, the Board finds that permit information in the property record card of the subject appears to support the appraiser's contention that the subject property had not been improved following the October 2016 purchase. The parties submitted an appraisal and four comparable sales for the Board's consideration. The Board gives less weight to the board of review comparables which differ from the subject in updating and/or foundation type.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The appraiser developed the sales comparison approach to value using six comparable sales, which had varying degrees of similarity when compared to the subject. The appraiser adjusted the comparables for differences from the subject property, which appeared reasonable, and arrived at an estimated market value of \$390,000. The subject's assessment reflects a market value of \$494,433 or \$297.14 per square foot of living area, including land, which is above the appraised value. The Board finds the subject property had a market value of \$390,000 as of the assessment date at issue. Since market value has been established the 2019 three year average median level of assessments for Lake County of 32.89% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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 21, 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

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