



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

APPELLANT: Jack Borys  
DOCKET NO.: 19-03010.001-R-1  
PARCEL NO.: 05-04-301-021

The parties of record before the Property Tax Appeal Board are Jack Borys, the appellant, by attorney Gregory Riggs of Tax Appeals Lake County 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:** \$11,781  
**IMPR.:** \$54,879  
**TOTAL:** \$66,660

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 dwelling of frame construction with 1,886 square feet of living area. The dwelling was built in 1978. Features of the home include a crawl space foundation, central air conditioning, one fireplace and an attached garage with 598 square feet of building area. The property has a 8,703 square foot site and is located in Fox Lake, Grant Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on November 15, 2017 for a price of \$185,000. The seller was identified as Fannie Mae and the property was the subject of a foreclosure. The appellant further indicated the property was sold through a Realtor, was advertised in the Multiple Listing Service (MLS), and had been on the market for six months. To further document the sale the appellant submitted a copy of the Closing Disclosure, a copy of

the MLS listing for the subject property, and a copy of the Listing & History Report for the subject property.

In further support of the overvaluation argument the appellant submitted information on three comparable sales improved with two-story dwellings of frame or brick and frame construction ranging in size from 1,740 to 2,090 square feet of living area. The dwellings were built in 1976, 1978, and 1987. Each comparable has crawl space and/or a slab foundation, two comparables have central air conditioning, each property has one fireplace, and each property has an attached garage ranging in size from 480 to 528 square feet of building area. The comparables have sites ranging in size from 7,897 to 14,523 square feet of land area and are located within approximately .17 miles from the subject property. The sales occurred from October 2018 to September 2019 for prices ranging from \$200,000 to \$214,000 or from \$95.69 to \$122.99 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$66,660 to reflect a market value of approximately \$200,000 when applying the statutory level of assessments.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$80,500. The subject's assessment reflects a market value of \$244,755 or \$129.77 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 five comparables. A review of the grid analysis provided by the board of review did not disclose any sale dates with respect to comparables #1 and #5, therefore, the Board will not further address these two comparables. Board of review comparables #2, #3 and #4 are improved with two-story dwellings of frame or frame and brick construction that range in size from 1,596 to 2,184 square feet of living area. The dwellings were built in 1978 or 1994. Each comparable has central air conditioning, two of the comparables have one or two fireplaces, and two comparables have attached garages with 713 or 720 square feet of building area. The comparables have sites ranging in size from 8,634 to 14,828 square feet of land area and are located within approximately .22 miles from the subject property. The sales occurred from April 2017 to March 2019 for prices ranging from \$215,000 to \$282,000 or from \$120.19 to \$141.85 per square foot of living area, including land. The board of review analysis also referenced the subject's 2017 sale. The board of review requested the assessment be sustained.

### **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.

The Board finds the evidence disclosed the subject property was purchased in November 2017 for a price of \$185,000. Although the property sold out of foreclosure, the appellant provided

evidence demonstrating the sale otherwise had the elements of an arm's length transaction. The parties to the transaction were not related, the property sold through a Realtor, the Property had been advertised in the MLS, and the property had been on the market for 105 days according to the MLS listing and the Listing and Property History Report. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence addressing the purchase of the subject property in 2017 and actually submitted two sales that occurred in 2017 in support of the assessment. Based on this record the Board finds significant consideration should be given the November 2017 purchase price in determining the correct assessment of the subject property.

The record also contains six sales submitted by the parties to support their respective positions. The Board gives less weight to board of review comparable #2 due to its newer age relative to the subject dwelling, larger garage relative to the subject's garage, and larger site in relation to the subject property. This comparable is superior to the subject property and would command a higher price than the subject property. Less weight is given board of review comparable #3 due to the lack of a fireplace and lack of a garage, features the subject property has.

The Board finds that the appellant's comparables and board of review comparable #4 are the best sales in the record although the board of review comparable would require downward adjustments for its larger garage and additional fireplace. These four properties sold for prices ranging from \$200,000 to \$262,500 or from \$95.69 to \$122.99 per square foot of living area, including land. The three comparables provided by the appellant sold most proximate in time to the assessment date for prices ranging from of \$200,000 to \$214,000 or from \$95.69 to \$122.99 per square foot of living area, including land. The subject's assessment reflecting a market value of \$244,755 or \$129.77 per square foot of living area, including land, is above the range established by these comparables on a square foot basis. After considering the subject's 2017 purchase price of \$185,000 and the best sales in this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is 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: 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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