



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

APPELLANT: Liliana Ochoa
DOCKET NO.: 19-03415.001-R-1
PARCEL NO.: 04-21-320-002

The parties of record before the Property Tax Appeal Board are Liliana Ochoa, the appellant, 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: \$4,643
IMPR.: \$19,014
TOTAL: \$23,657

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 one-story dwelling of frame exterior construction with 1,080 square feet of living area. The dwelling was constructed in 1965. Features of the home include one full bathroom, an unfinished full basement and central air conditioning. Outdoor improvements include a wood deck. The property has a 7,330 square foot site and is located in Zion, Zion Township, Lake County.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal, challenging both the land and improvement assessments of the subject property. In support of these arguments, the appellant submitted information on four equity comparables and seven comparable sales as part of the appellant's response to an Incomplete Checklist. In addition, the appellant included a letter with the initial appeal filing reporting that the subject's basement is unfinished due a flood that occurred three years ago. She further mentioned area sewer problems

and contends that the subject's basement has been pulled apart because of mold growing up through the walls.

The four equity comparables presented by the appellant are located within the same assessment neighborhood code as the subject property. The parcels range in size from 7,010 to 8,220 square feet of land area and are each improved with a one-story or ranch-style dwelling of frame exterior construction. The homes were built between 1960 and 1978 and range in size from 1,012 to 1,073 square feet of living area. Each dwelling is reported as having a full bathroom and an unfinished full basement. Three of the comparables feature garages ranging in size from 352 to 484 square feet of building area. Two of the properties each have a wood deck. These comparables have land assessments ranging from \$2,751 to \$4,990 or from \$0.39 to \$0.63 per square foot of land area and improvement assessments ranging from \$12,204 to \$18,587 or from \$11.37 to \$18.37 per square foot of living area. With additional documentation, the appellant asserted that equity comparables #1 and #2 had various upgrades of new windows, siding, roof, cabinetry, countertop(s) and/or flooring among other features. The appellant also provided assessment printouts for the properties questioning why for tax year 2019 several of the assessments were reduced and yet the subject's assessment was not reduced.

The appellant's submission of seven comparable sales were presented on two Section V grid analyses; the second grid analysis has been renumbered as sales #5, #6 and #7 for ease of reference. The comparables are each located within the same assessment neighborhood code as the subject property. The comparable sales parcels range in size from 6,910 to 11,500 square feet of land area and are each improved with a one-story or ranch-style dwelling of frame or brick exterior construction. The homes were built between 1956 and 1986 and range in size from 960 to 1,526 square feet of living area. Six dwellings each feature a full bathroom and comparables sale #6 has two full bathrooms. Six of the comparable dwellings each have a full basement and comparable #6 has a crawl-space foundation. Four of the homes have central air conditioning and six of the comparables feature garages ranging in size from 400 to 720 square feet of building area. Four of the properties each have a wood deck. These comparables sold between February to November 2019 for prices ranging from \$45,000 to \$75,250 or from \$41.74 to \$58.44 per square foot of living area, including land.

Based on the foregoing evidence and argument, the appellant requested a reduced land assessment of \$4,200 or \$0.57 per square foot of land area and an improvement assessment of \$19,457 or \$18.02 per square foot of living area. The appellant's total assessment reduction request of \$23,657 reflects a market value of \$70,978 or \$65.72 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,790. The subject property has a land assessment of \$4,643 or \$0.63 per square foot of land area and an improvement assessment of \$26,147 or \$24.21 per square foot of living area. The subject's total assessment reflects a market value of \$93,615 or \$86.68 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 three equity comparables, four comparable sales and data reiterating the appellant's four equity comparables and appellant's comparable sales #5, #6 and #7. For appellant's comparable sale #5, the board of review reported a subsequent sale occurring in March 2020 for a price of \$119,900 or \$118.95 per square foot of living area, including land; the applicable Multiple Listing Service (MLS) data sheet includes a notation the property was rehabbed in 2019 with a notation that the previous sale lacked MLS exposure with a sale price of \$54,500. The MLS sheet for appellant's sale #6 indicates the property was REO or lender owned which was sold as-is where the water would not be turned on. The MLS sheet for appellant's sale #7 noted the home "needs complete updating and repairs" and was sold in as-is condition with a remark that there was water in the basement and mold.

The three equity comparables presented by the board of review are located within the same assessment neighborhood code as the subject property. The parcels contain either 6,150 or 7,150 square feet of land area and are each improved with a one-story or ranch-style dwelling of frame exterior construction. The homes were each built in 1971 and each contains 1,073 square feet of living area. Each dwelling is reported as having a full bathroom and an unfinished full basement. Comparable #2 has central air conditioning and two of the properties each have a wood deck. These comparables have land assessments of either \$3,894 or \$4,528 or \$0.63 per square foot of land area and improvement assessments ranging from \$26,057 to \$27,053 or from \$24.28 to \$25.21 per square foot of living area.

The board of review submitted four comparable sales located within the same assessment neighborhood code as the subject property along with supporting MLS data sheets related to each sale. The comparable parcels range in size from 6,960 to 12,960 square feet of land area and are each improved with a one-story or ranch-style dwelling of frame exterior construction. The homes were built between 1953 and 1965 and range in size from 1,008 to 1,064 square feet of living area. Two of the dwellings feature a full bathroom and two of the dwellings feature two full bathrooms. The homes each have an unfinished full basement. Three of the homes have central air conditioning and each comparable has a garage ranging in size from 440 to 576 square feet of building area. One of the properties has a wood deck. According to the listing sheets: comparable #1 features an updated bath and kitchen along with a new roof, new electric and new furnace; comparable #2 has an updated bath and kitchen with newer windows and a finished basement; comparable #3 has a full finished basement with a family room, office and bathroom; and comparable #4 reportedly has a finished basement. These comparables sold between March 2018 and April 2019 for prices ranging from \$97,000 to \$115,000 or from \$96.15 to \$108.08 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requests confirmation of the subject's land and improvement assessments.

In a nearly 150-page rebuttal, the appellant included a cover letter, numerous documents and printouts, numerous photographs and a reiteration of much of the original appeal data. Pursuant to the Board's procedural rules (86 Ill.Admin.Code §1910.66(a)(3)) in pertinent part:

Rebuttal evidence shall consist of written or documentary evidence submitted to explain, repel, counteract or disprove facts given in evidence by an adverse party

and must tend to explain or contradict or disprove evidence offered by an adverse party. [Emphasis added.]

In other words, the appellant's rebuttal in this case should address the data submitted to the Property Tax Appeal Board in this appeal by the Lake County Board of Review. To the extent that the appellant's rebuttal submission included unnecessary duplication of the appellant's original evidence and/or a misunderstanding of the reiteration of the appellant's comparable properties by the board of review, the Property Tax Appeal Board will not again re-analyze that information here that was previously discussed in this decision. Part of the rebuttal objects that the subject's 2019 quadrennial reassessment resulted in a significant increase of more than \$33,000 in the subject's estimated market value based on its assessment.

In the cover letter, the appellant contends that the subject property was purchased in 2014 in as-is condition with a notation that the property needed repairs and updates. The appellant reports that the repairs that were necessary were performed and the appellant's family occupies the home which works for her family. Photographs of the subject's basement depict that studs are exposed with no drywall. In light of this fact and the subject's current condition, including the unfinished basement with exposed studs, the appellant argues the subject dwelling should not be compared to rehabbed dwellings and/or dwellings that have been upgraded for quick resale.

As to the March 2020 resale of appellant's comparable sale #5, the appellant argues that since this property sold in calendar year 2020 it has no impact on the 2019 tax year assessment of the subject property and should not be considered. Furthermore, the appellant contends this property was resold for more than twice the recent purchase price after being rehabbed. This property is also superior to the subject in having a two-car garage, two-car carport, fenced yard, new windows and front door and other new mechanicals and appliances.

With regard to the four comparable sales which were presented by the board of review, the appellant initially noted that three of the comparables sold in 2018 rather than in 2019 and further provided a detailed explanation of the differences between each property and the subject dwelling, such as curb appeal, lot size, newer mechanicals, more bathrooms, finished basement and/or garage features which are all superior to the subject property. The appellant also commented on the depicted differences in total estimated market value based upon assessments ("total MV") as compared to the recent sales prices noting that each of these four comparables have estimated market values below their recent sales prices.

With regard to the three equity comparables presented by the board of review, the appellant similarly has detailed superior differences between these homes and the subject dwelling, including but not limited to, newer windows and number of bedrooms. The appellant reports based on MLS data sheets that board of review equity comparables #1 and #2 each have finished basement areas.

Conclusion of Law

The appellant contends in part that 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). Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970).

The parties submitted a total of eleven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable sale #6 as this dwelling has an inferior crawl-space foundation when compared to the subject. In addition, appellant's comparable sale #6 features two bathrooms and, along with board of review comparable sales #3 and #4, shall be given reduced weight since they are each superior to the subject dwelling with one bathroom.

On this record, the Board finds the best evidence of market value to be appellant's comparable sales #1 through #5 and #7 along with board of review comparable sales #1 and #2. Of these best eight comparable sales in the record, seven of these properties are superior to the subject with garage features, which the subject does not have. As such, downward adjustments would be appropriate to each of these seven properties with a garage. Furthermore, four of these eight comparable sales do not have central air conditioning, which is a feature the subject dwelling does have and would necessitate appropriate upward adjustments to these four properties to account for this difference.

These eight most similar comparables sold from October 2018 to November 2019 for prices ranging from \$45,000 to \$100,000 or from \$41.74 to \$96.23 per square foot of living area, including land. The subject's assessment reflects a market value of \$93,615 or \$86.68 per square foot of living area, including land, which appears to be excessive given the extensive evidence regarding the updates and/or finished basements in the two best higher-end sales presented by the board of review on this record. Giving due consideration to the entire record and after thorough analysis, the Board finds a reduction in the subject's total assessment on market value grounds commensurate with the appellant's total request is justified.

In the alternative, the taxpayer contends assessment inequity as an additional basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b).

Briefly, the evidence reflected that no change in the subject's land assessment is warranted on this record. The majority of the equity comparables depict land assessments in the subject's immediate area are \$0.63 per square foot of land area. Furthermore, the subject's improvement

assessment has been reduced based on the above market value analysis. Therefore, after a thorough and extensive analysis of the assessment data along with considering the reduction in the improvement assessment for overvaluation, the Board finds that the subject property is now equitably assessed and no further reduction in the subject's assessment is 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: March 15, 2022



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

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