



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

APPELLANT: Paul Diamond
DOCKET NO.: 19-06792.001-R-1
PARCEL NO.: 10-34-301-002

The parties of record before the Property Tax Appeal Board are Paul Diamond, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company in Mundelein, 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: \$30,130
IMPR.: \$111,197
TOTAL: \$141,327

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 is improved with a two-story dwelling of brick construction with 3,054 square feet of living area. The dwelling was built in 1994 and is approximately 25 years old. Features of the home include an unfinished full basement, central air conditioning, one fireplace and a three-car attached garage with 875 square feet of building area. The property has a 40,250 square foot site and is located in Hawthorn Woods, Fremont 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 \$400,000 as of January 1, 2019. The appraisal was prepared by Steven L. Smith, a certified residential real estate appraiser. Smith developed the sales comparison approach to value in estimating the market value of the subject property. The appraisal contained an aerial photograph that depicts

the subject property being located in a cul-de-sac and backs up to a busy road according to the appraiser.

The appraiser utilized four comparable sales improved with two-story dwellings that range in size from 3,101 to 3,986 square feet of living area. The dwellings range in age from approximately 20 to 28 years old. The comparables are located in Hawthorn Woods within approximately .29 miles from the subject property with sites that range in size from 40,000 to 44,550 square feet of land area. Each dwelling has a full basement with one being partially finished, central air conditioning, one fireplace and either a three-car or a nine-car garage. The sales occurred in May 2017 or May 2019 for prices ranging from \$440,000 to \$475,000 or from \$112.90 to \$143.33 per square foot of living area, including land. The appraiser adjusted the comparables for such items as differences from the subject in land area, view, age, gross living area, basement finish, garage bays and upgrades. The adjusted prices ranged from \$378,000 to \$407,650. The appraiser arrived at an estimated value for the subject property of \$400,000 or \$130.98 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$133,320.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$141,327. The subject's assessment reflects a market value of \$429,696 or \$140.70 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 comparable sales with comparable sale #3 being the same property as appellant's appraisal comparable sale #3. The comparables are improved with two-story dwellings of brick, vinyl siding or brick and wood siding exterior construction that range in size from 3,101 to 3,505 square feet of living area. The homes were built in 1990 or 1991. Each property has a full unfinished basement, central air conditioning, one fireplace and an attached garage ranging in size from 748 to 816 square feet of building area. These properties have sites ranging in size from 40,010 to 49,290 square feet of land area. The comparables are located in the same subdivision and within approximately .30 of a mile from the subject property. The sales occurred from March 2017 to April 2019 for prices ranging from \$440,000 to \$520,000 or from \$140.51 to \$161.49 per square foot of living area, including land.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gives less weight to the conclusion of value contained in the appellant's appraisal as two of the four sales occurred in May 2017, approximately 19 months prior to the assessment date at issue, not as proximate in time as the best sales in the record. The Board gives less

weight to board of review comparable #1 as this property sold in March 2017, approximately 21 months prior to the assessment date at issue, not as proximate in time as the best sales in the record. The Board gives most weight to appellant's appraisal comparable sales #1 and #3 as well as board of review comparables #2 and #3, which includes a common sale used by the parties. These three comparables are improved with two-story dwellings that range in size from 3,101 to 3,505 square feet of living area and have similar features as the subject with the exception that appraisal comparable #1 has a nine-car garage which is superior to the subject's three-car garage. These three comparables sold for prices ranging from \$440,000 to \$492,500 or from \$140.51 to \$143.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$429,696 or \$140.70 per square foot of living area, including land, which is below the overall price range but within the range established by the best comparable sales in the record on a per square foot basis. Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct and a reduction in the assessment is not 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: 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

AGENCY

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