



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

APPELLANT: Ann Kohut
DOCKET NO.: 19-06921.001-R-1
PARCEL NO.: 13-09-209-005

The parties of record before the Property Tax Appeal Board are Ann Kohut, 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: \$ 37,035
IMPR.: \$187,430
TOTAL: \$224,465

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 custom-built two-story dwelling of wood siding and brick exterior construction with 4,218 square feet of living area. The dwelling was constructed in 2007 and is approximately 12 years old. Features of the home include a full basement with 1,274 square feet of finished area, central air conditioning, two fireplaces and an 862 square foot garage. The property has an approximately 44,430 square foot site and is located in Cary, Cuba Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a Desktop Valuation for the subject property prepared by Steven L. Smith, a Certified Residential Real Estate Appraiser, estimating a market value of \$630,000, including land, as of January 1, 2019. The client named in the report is the appellant's counsel's law firm, The Tax Appeal Company. The report has a stated purpose on page 1 of determining the market

value for the subject property primarily utilizing the sales comparison approach and in the Addendum is described as a Restricted Appraisal Report. The reliability of the valuation may be impacted by the appraiser's lack of inspection of the subject. However, in the Addendum to the report it states the intended use is to evaluate the property for a real estate tax appeal only (Ad Valorem), subject to the stated Scope of Work, purpose, reporting requirements and definition of market value; moreover, the report is not for mortgage financing purposes.

The appraiser assumed the subject dwelling was in average condition. In the sales comparison analysis, Smith selected three comparables, two of which are located on the same street as the subject property, and which are located from .05 to .36 of a mile from the subject. A map supplied with the appraisal depicts that the properties are relatively close in proximity to the subject. The parcels range in size from 39,988 to 59,242 square feet of land area and are improved with dwellings ranging in age from 13 to 15 years old. The homes range in size from 3,474 to 4,608 square feet of living area. Each comparable is described as being in average+ condition like the subject with a finished basement, one of which is walkout-style. Each property has a three-car garage. The comparables sold from June 2018 to October 2019 for prices ranging from \$550,000 to \$785,000, including land.

Smith asserted that comparable #1 is a larger home with a finished walkout basement that includes Fox River views and is situated on a larger parcel. Both comparables #2 and #3 are smaller dwellings with comparable #3 having a larger site. Smith found that comparables #1 and #3 were the most similar to the subject based on overall appeal to the market and were given the most weight. Adjustments were reportedly market based, using a paired sales analysis and were maintained in the appraiser's work file. Unadjusted sales prices range from \$150.60 to \$179.88 per square foot of living area, including land. Given the foregoing data, Smith opined a market value for the subject property of \$630,000 or \$149.36 per square foot of living area, including land, as of January 1, 2019.

Based on this evidence, the appellant requested a reduced total assessment to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$224,465. The subject's assessment reflects a market value of \$682,472 or \$161.80 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 response to the appeal, the board of review noted that the appellant's evidence as a desktop appraisal. As part of its submission, the board of review supplied a grid analysis of the three sales contained in the appraisal. Additional characteristics presented with this grid include the finished basement areas range in size from 1,409 to 2,309 square feet, each home has central air conditioning, one or two fireplaces and garages ranging in size from 748 to 1,074 square feet of building area. Appraisal sale #2 also has an inground swimming pool.

The board of review further asserted that its comparable sales include an additional 2019 sale that was not in the appraisal report along with "2020 trending activity" for this custom neighborhood.

In support of its contention of the correct assessment, the board of review submitted a spreadsheet with information on three comparable sales located in the same assessment neighborhood code as the subject property. The parcels range in size from 49,440 to 55,900 square feet of land area which are each improved with two-story dwellings of wood siding or brick and wood siding exterior construction. The homes were built from 2004 to 2006. The homes range in size from 3,397 to 4,009 square feet of living area. Each comparable has a full basement, two of which have finished areas of 1,300 and 1,800 square feet, respectively. Features include central air conditioning, a fireplace and a garage ranging in size from 821 to 939 square feet of building area. Comparables #2 and #3 also each have an inground swimming pool. The comparables sold from July 2019 to September 2020 for prices ranging from \$539,000 to \$660,000 or from \$158.67 to \$174.62 per square foot of living area, including land.

Based on the foregoing argument and evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

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 finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$630,000, while the board of review submitted no appraisal and, instead, submitted three comparable sales from the subject's subdivision along with comments on the appraisal report. Due to the lack of reported adjustments and reasons therefore, the Property Tax Appeal Board has given little weight to the Desktop Appraisal of the subject property's value conclusion which simply presented three sales and arrived at Smith's final value opinion. Thus, having thoroughly examined the appellant's appraisal report, the Board gives little weight to the value conclusion determined utilizing few details on three sales comparables without further explanation as to the rationale for the value conclusion. Given the deficiencies in articulation of the value conclusion presented by Smith, the Board finds the appraiser's value conclusion is not a credible or reliable indicator of the subject's estimated market value as of the assessment date of January 1, 2019. Instead, the Board will examine the raw sales data presented by both parties.

The Board has given reduced weight to appraisal sale #2 as based on the unrefuted data supplied by the board of review this property has an inground swimming pool which is not a feature of the subject. Likewise, the Board gives reduced weight to board of review sales #2 and #3 as each property also has an inground pool which differs from the subject and these comparables sold more than 18 months after the assessment date at issue of January 1, 2019. Furthermore, the Board gives reduced weight to board of review sale #1 which is significantly smaller in dwelling size than the subject.

The Board finds the best evidence of market value to be appraisal sales #1 and #3 submitted by the appellant which are each similar to the subject in location, design, age and dwelling size. These comparables sold in September 2019 and June 2018 for prices of \$785,000 and \$550,000 or for \$170.36 and \$150.60 per square foot of living area, including land. The subject's assessment reflects a market value of \$682,472 or \$161.80 per square foot of living area, including land, which is between the best comparable sales in the record both in terms of overall value and on a per-square-foot basis. In conclusion, based on this evidence and after considering appropriate adjustments to these comparables for differences when compared to the subject, the Board finds a reduction in the subject's 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: June 21, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Ann Kohut, by attorney:
Andrew J. Rukavina
The Tax Appeal Company
28643 North Sky Crest Drive
Mundelein, IL 60060

COUNTY

Lake County Board of Review
Lake County Courthouse
18 North County Street, 7th Floor
Waukegan, IL 60085