



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

APPELLANT: Atlantis Trust
DOCKET NO.: 19-07305.001-R-1
PARCEL NO.: 08-04-100-009

The parties of record before the Property Tax Appeal Board are Atlantis Trust, 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: \$10,226
IMPR.: \$3,106
TOTAL: \$13,332

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 1.5-story dwelling of aluminum siding exterior construction with 2,133 square feet of living area. The dwelling was constructed in 1925 and is described to be in “very poor condition” by the Waukegan Township Assessor’s Office.¹ Features of the home include an unfinished full basement and a fireplace. The property has an approximately 82,390 square foot site and is located in Beach Park, Waukegan Township, Lake County.

The taxpayer, Jeff Forster, appeared before the Property Tax Appeal Board as the Trustee of the appellant, Atlantis Trust, contending overvaluation of the land and improvement as the bases of

¹ The subject’s designation of “very poor condition” is drawn from the subject’s property record card submitted by the board of review.

this appeal.² In support of these arguments, the appellant submitted multiple grids (marked as Trial Exhibits #1 through #5) containing information on a total of fifteen comparable sales including two land-only sales.³ In addition to the aforementioned grids, The appellant submitted five additional grids that did not contain sales data and therefore will not be analyzed by the Board in this market value appeal.

The fifteen comparable sales are located in different assessment neighborhood codes as is assigned to the subject property. The parcels range in size from 4,608 to 22,651 square feet of land area and are each improved with a 1-story, a 1.5-story, a 1.75-story, or a 2-story dwelling of aluminum, wood, or frame exterior construction. The homes were constructed from 1900 to 1971 and range in dwelling size from 752 to 2,321 square feet of living area. Seven comparables each have an unfinished basement; one comparable has central air conditioning; two comparables each have a fireplace; and six comparables have a garage ranging in size from 400 to 816 square feet of building area. The comparables sold from September 2017 to September 2019 for prices ranging from \$25,000 to \$60,000 or from \$25.85 to \$41.46 per square foot of living area, including land. The three land-only comparable sales, i.e., comparables #11, #14 and #15 have sites ranging in size from 7,500 and 283,140 square feet of land area. These comparables sold from December 2016 to July 2019 for prices ranging from \$100 to \$25,000, or from \$.01 to \$.50 per square foot of land area.

Included in the appellant's submission is approximately 100 color photographs depicting the condition of the exterior and the interior of the subject property, along with a copy of a letter that was presented at the board of review hearing describing with specificity the subject's condition. Mr. Forster described the foundation as having large cracks mainly along the west wall and the northwest corner, with one of the cracks being large enough that a one is able to see through the crack to the outside. Mr. Forster described the foundation as having settled more to one side. The color photos depict basement windows covered by plywood; numerous holes and missing portions of interior walls and soffit siding; missing tiles and holes in the tub/shower walls; signs of water damage to flooring; damaged interior and exterior doors; cracked windows; missing screens and storm windows; missing or damaged lighting fixtures; plywood flooring in one room; no updates to plumbing or electrical since the home built in 1925; some electrical outlets inoperative; signs of mold on the interior and the exterior of the home; missing gutters/downspouts causing moisture in the basement; major cracks in the driveway; and large cracks and shifting of the concrete walkway leading to the front door.

Mr. Forster testified before the Property Tax Appeal Board that he purchased the property in July 2013 for \$40,000. Prior to the purchase, the subject home was vacant for approximately four years and some of the neglect and or vandalism occurred during that time. Mr. Forster further testified that no major remodeling or improvements have been done to the property since he purchased it with the exception that the roof was partially re-shingled, but the work was not completed. Mr. Forster further testified that the condition of the property as described above and

² The appellant checked numerous boxes on the Residential Appeal form as the bases of the appeal. However, it was established at the hearing before the Property Tax Appeal Board that the appeal is based on overvaluation of the subject's land and improvement (dwelling).

³ For clarity, the Board has re-numbered the comparables containing sales data in exhibits #2 through #5.

depicted in the color photographs was the same on January 1, 2019 assessment date at issue and remains the same currently.

Also included in the appellant's submission were copies of numerous pages from Realtor.com website depicting limited information on many properties (including vacant land) that were listed and/or sold. However, given that these documents contain only limited data and do not include relevant descriptive information about the properties (such as design, construction, condition, dwelling size, age, foundation type, garage size, and amenities), the Board is unable to make a meaningful comparative analysis of these properties in order to determine the extent to which they are similar to the subject property. Lastly, the appellant's submission included a copy of the Final Administrative Decision of the Property Tax Appeal Board for the 2017 tax year establishing the subject's land assessment of \$11,767 and the improvement assessment of \$1,565 for a total assessment of \$13,332 based on the agreement of the parties.

Based on the foregoing documentary evidence and testimony of the taxpayer, the appellant requested a reduction to the land assessment of \$10,226 and a reduction to the improvement assessment of \$3,106 for a total assessment of \$13,332 which would reflect a total market value of approximately \$40,000 or \$18.75 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 \$30,530. The subject's assessment reflects a market value of \$92,825 or \$43.52 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. The subject has a land assessment of \$21,928 which reflects a market value of \$65,791 or \$.80 per square foot of land area and an improvement assessment of \$8,602 which reflects a market value of \$25,809 or \$12.10 per square foot of living area 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 a grid analysis with information on four comparable sales located in the same assessment neighborhood code as is assigned to the subject property. The parcels range in size from 9,600 to 21,710 square feet of land area and are each improved with a 1.5-story dwelling of aluminum siding or brick exterior construction. The homes were built from 1940 to 1965 with comparable #4 having been built in 1940 and having an effective age of 1958. The comparables range in dwelling size from 1,503 to 2,220 square feet of living area with each home having a designation of "average" condition. One comparable has an unfinished basement; three comparables have central air conditioning; three homes each have a fireplace; and three have a garage ranging in size from 480 to 660 square feet of building area. The comparables sold from September 2018 to October 2019 for prices ranging from \$151,000 to \$165,000 or from \$72.30 to \$109.71 per square foot of living area, including land. These comparables have land assessments ranging from \$5,680 to \$10,272 or from \$.47 to \$.59 per square foot of land area, and improvement assessments ranging from \$32,703 to \$56,179 or from \$20.03 to \$25.31 per square foot of living area.

Representing the board of review before the Property Tax Appeal Board was member, Jack Perry. Mr. Perry noted that the subject's property record card depicts the subject's condition as

“very poor” and, given the documentary evidence submitted and the appellant’s testimony, conceded that the board of review comparables were significantly superior to the subject in overall condition. Consequently, Mr. Perry indicated that a significant reduction to the subject’s assessment would be appropriate.

Conclusion of Law

The appellant contends that the market value of the subject’s land and improvement (dwelling) are not accurately reflected in their assessed valuations. When market value is the basis of the appeal, the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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). Given the foregoing burden of proof and standards, the Board finds the appellant met this burden of proof and a reduction in the subject's land and improvement assessments is warranted.

The parties submitted a total of nineteen comparable sales, including three land-only sales, to support their respective positions before the Property Tax Appeal Board. The Board has given less weight to the board of review comparables based on their significantly superior conditions and newer ages when compared to the subject, in addition to each having a garage, a feature that the subject lacks. As to the appellant’s twelve comparable sales, (excluding the three land-only sales), on this record, the Board finds the best evidence of market value to be the appellant’s comparables #2, #3, and #6 which are most similar to the subject in age, design, dwelling size, and some features. However, two of these comparables have garages and one has central air conditioning, both features that the subject lacks, suggesting that downward adjustments should be considered to these comparables in order to make them more equivalent to the subject. The three best comparables in the record sold from May to August 2019 for prices of either \$54,000 or \$60,000 or from \$25.85 to \$34.70 per square foot of living area, land included. The subject's total assessment reflects a market value of \$92,825 or \$43.52 per square foot of living area, including land, which is above the range established by the best comparable sales in this record both on an overall value basis and on a per square foot basis. Additionally, given the subject dwelling’s very poor condition, lack of central air conditioning, and lack of a garage feature, the Board finds that the subject’s overall assessment is overvalued. Based on this evidence and after considering appropriate adjustments for differences when compared to the subject, the Board finds a reduction in the subject's assessment on market value grounds is justified.

As to the appellant’s argument for a reduction to the land assessment, the only evidence of land sales was submitted by the appellant which consists of three land-only sales. These three land-only sales occurred from December 2016 to July 2019 for prices ranging from \$100 to \$25,000, or from \$.01 to \$.50 per square foot of land area, respectively. There is no evidence in the record explaining the reason for such a discrepancy in the overall sale prices or the difference in the price per square foot of land area. The subject's land assessment reflects a land-only market value of \$65,791 or \$.80 per square foot of land area which is above the range established by the only land sales in this record, both on an overall value basis and on a per square foot basis.

In conclusion, the Board finds that the appellant has established by a preponderance of the evidence that the subject property is overvalued and, therefore, a reduction in both the land and improvement assessments commensurate with the appellant's request 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:

August 23, 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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