



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

APPELLANT: Elaine Felder
DOCKET NO.: 19-09567.001-R-1
PARCEL NO.: 16-15-104-051

The parties of record before the Property Tax Appeal Board are Elaine Felder, the appellant, by Jessica Hill-Magiera, Attorney at Law 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 **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: \$56,303
IMPR.: \$166,425
TOTAL: \$222,728

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a final administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 2-story dwelling of brick exterior construction with 3,876 square feet of living area. The dwelling was constructed in 1980. Features of the home include a basement with finished area, central air conditioning, a fireplace, and a 567 square foot garage. The property has an approximately 15,426 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellant contends both overvaluation and a contention of law as the bases of the appeal. In support of the overvaluation argument, the appellant submitted information on six comparable sales. The comparables are located from 0.03 to 0.58 of a mile from the subject and within the same neighborhood as the subject. The parcels range in size from 9,148 to 23,958 square feet of land area and are improved with 2-story homes of brick exterior construction ranging in size from 3,272 to 4,520 square feet of living area. The dwellings were built from 1982 to 1989. Each home is reported to have an unfinished basement, central air conditioning, one or two

fireplaces, and a garage ranging in size from 436 to 726 square feet of building area. The comparables sold from November 2017 to December 2019 for prices ranging from \$515,000 to \$675,000 or from \$144.64 to \$157.40 per square foot of living area, including land.

The appellant further contends that the subject property was the subject matter of an appeal before the Board in a prior year under Docket Number 18-05743-R-1. More specifically, in Docket Number 18-05743.001-R-1, the Board rendered a decision lowering the assessment of the subject property to \$258,000 based on the agreement of the parties. The appellant indicated in the appeal petition that the subject is an owner-occupied property and cited to Section 16-185 the Property Tax Code (35 ILCS 200/16-185) as the basis for the contention of law.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$198,330, which would reflect a market value of \$595,050 or \$153.52 per square foot of living area, including land, at 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 \$222,728. The subject's assessment reflects a market value of \$677,191 or \$174.71 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 board of review disclosed that 2019 was the first year of the general assessment cycle for the subject property.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales where comparable #2 is a later sale of the same property as the appellant's comparable #1. The comparables are located from 0.09 to 0.53 of a mile from the subject and within the same assessment neighborhood code as the subject. The parcels range in size from 9,060 to 13,150 square feet of land area and are improved with 1-story or 2-story dwellings of brick or brick and wood siding exterior construction ranging in size from 3,582 to 3,981 square feet of living area. The dwellings were built from 1979 to 1985. Each home has a basement, two of which have finished area, central air conditioning, one or three fireplaces, and a garage ranging in size from 440 to 675 square feet of building area. The comparables sold from May 2018 to May 2021 for prices ranging from \$645,000 to \$690,000 or from \$172.62 to \$180.07 per square foot of living area, including land. Based on this evidence the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant contended that the board of review's comparable #1 was not similar to the subject in design, and the board of review's comparable #2 sold too remote in time from the assessment date to be indicative of market value as of that date.

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). The Board finds the

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

The record contains a total of nine comparable sales for the Board's consideration. The Board gives less weight to the appellant's comparables #3 and #5 and the board of review's comparable #1, due to significant differences from the subject in design and/or dwelling size. The Board gives less weight to the appellant's comparable #6 and the board of review's comparable #2, which sold less proximate in time to the January 1, 2019 assessment date.

The Board finds the best evidence of market value to be the appellant's comparables #1, #2, and #4 and the board of review's comparable #3, which are relatively similar to the subject in dwelling size, age, location, and features, although most of these comparables do not have finished basement area like the subject and all of these comparables are smaller lots than the subject, indicating that upward adjustments will be necessary to make these comparables more similar to the subject. These most similar comparables sold from April 2018 to July 2019 for prices ranging from \$597,500 to \$670,000 or from \$144.64 to \$180.07 per square foot of living area, including land. The subject's assessment reflects a market value of \$677,191 or \$174.71 per square foot of living area, including land, which is above the range established by the best comparable sales in terms of total market value but within the range on a price per square foot basis, which appears to be justified given the subject's finished basement area which only one of these comparables features and the subject's larger lot size. Based on this evidence and after considering appropriate adjustments to the best comparables for differences from the subject, the Board finds a reduction in the subject's assessment is not justified.

The appellant further makes a contention of law regarding the interpretation and application of section 16-185 of the Property Tax Code (35 ILCS 200/16-185). The standard of proof on a contention of law is a preponderance of the evidence. (See 5 ILCS 100/10-15).

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

Even though the appellant indicated that the subject is an owner-occupied residence, the board of review disclosed that 2018 and 2019 are not within the same general assessment period; consequently, the Board finds no reduction pursuant to Section 16-185 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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